



## **BULKY DOCUMENTS**

(Exceeds 100 pages)

Proceeding/Serial No: **91183753**

Filed: **04/27/2010**

Title: **NOTICE OF FILING TRIAL**  
**DEPOSITION OF JUSTIN AMES**

**Part 1 of 5**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

TTAB

HEAVEN HILL DISTILLERIES, INC.,	)		
	)		
Opposer,	)	Opposition No.	91183753
	)		
v.	)		
	)	Serial No.	77/266,196
DIALLO YASSINN PATRICE,	)	Mark:	HYPNOTIZER
	)	Intl Class:	033
Respondent.	)		

**NOTICE OF FILING OF TRIAL DEPOSITIONS**

Pursuant to 37 CFR § 2.125(c), Plaintiff Heaven Hill Distilleries, Inc. gives notice that it has, simultaneously with this Notice, filed with the Trademark Trial and Appeal Board the certified trial deposition transcripts of and the exhibits pertaining to the following witnesses' testimony: Norman Drew Wesley and Justin Ames.

Plaintiff notes that on January 14, 2010, before the taking of the aforementioned depositions, copies of the exhibits Plaintiff intended to introduce during the trial depositions were served on Defendant, and pursuant to 37 CFR 2.125(a), Plaintiff served the trial deposition transcripts, along with the exhibits that were not previously served on Defendant, on February 12, 2010. Simultaneously with the filing of the certified trial deposition transcripts with the Trademark Trial and Appeal Board, Plaintiff has served on Defendant corrected transcript pages to be inserted in the previously served transcript as required by 37 CFR 2.125(b).



04-27-2010

U.S. Patent & Trademark Office

Respectfully submitted,



David A. Calhoun  
Matthew A. Williams  
WYATT, TARRANT & COMBS, LLP  
500 West Jefferson Street, Suite 2800  
Louisville, Kentucky 40202-2898  
(502) 589-5235

Counsel for Opposer, Heaven Hill  
Distilleries, Inc.

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing notice, along with certified copies of the trial deposition transcripts and exhibits referenced above, has been mailed, via U.S. Express Mail, postage prepaid, on this the 27<sup>th</sup> day of **April 2010**, to the following:

Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

and to certify that a true and correct copy of the foregoing notice, along with the aforementioned corrected transcript pages, has been served, via Federal Express, International Priority, this 27<sup>th</sup> day of **April 2010**, upon:

Diallo Yassinn Patrice  
2 Square Tribord  
Courcouronnes 91080  
France



One of Counsel for Opposer, Heaven Hill  
Distilleries, Inc.

Heaven Hill Distilleries, Inc. Vs. Diallo Yassinn Patrice  
United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
Opposition No.: 91183753

Trial Depositions of Norman Drew Wesley and Justin  
Ames

This box was sealed on April 23, 2010.

*Angie Watkins*  
Angie Watkins  
Chuppe, Soergel & Abell

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
3

4 HEAVEN HILL )  
DISTILLERIES, INC. )

5 OPPOSER )

Opposition No.: 91183753

6 vs. )

Serial No.: 77/266,196

7 Mark: HYPNOTIZER

8 Intl Class: 033

DIALLO YASSINN PATRICE )

9 RESPONDENT )

10  
11  
12 DEPOSITION FOR OPPOSER  
13  
14

15 DEPONENT: JUSTIN AMES  
16

17 DATE: JANUARY 22, 2010  
18  
19

20 REPORTER: DONNA CHUPPE  
21

22 CHUPPE, SOERGEL & ABELL, LLC  
23 COURT REPORTERS AND VIDEO SERVICE  
24 2950 BRECKENRIDGE LANE, SUITE 11A  
LOUISVILLE, KENTUCKY 40220  
502.637.8500 800.330.4098  
25 FAX: 502.637.8777 EMAIL: INFO@KYDEPO.NET  
WEB: KYDEPO.NET

I N D E X

TESTIMONY OF JUSTIN AMES

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(REPORTER'S NOTE: Exhibits were filed with the original transcript. Per request of counsel, exhibits were not copied and furnished with the deposition copy.)

1 THE FOLLOWING DEPOSITION OF JUSTIN AMES  
2 IS BEING TAKEN PURSUANT TO NOTICE, AT THE LAW OFFICES  
3 OF WYATT, TARRANT & COMBS, 2800 PNC PLAZA, 500 WEST  
4 JEFFERSON STREET, LOUISVILLE, KENTUCKY, ON JANUARY  
5 22, 2010, AT APPROXIMATELY 12:05 P.M., UPON ORAL  
6 EXAMINATION AND TO BE USED FOR ALL PURPOSES IN THE  
7 TRIAL OF THE ABOVE-ENTITLED CAUSE, IN ACCORDANCE WITH  
8 THE FEDERAL RULES OF CIVIL PROCEDURE AND 37 C.F.R.  
9 PART 2.

10  
11 A P P E A R A N C E S

12  
13 FOR THE PLAINTIFF:

14 Matthew A. Williams, Esq.  
15 Wyatt, Tarrant & Combs  
16 2800 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202

17  
18 FOR THE DEFENDANT:

(Not present)

19 Diallo Yassinn Patrice  
20 2 Square Tribord  
Courcouronnes 91080  
France

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MR. WILLIAMS: We're here to take the second of two trial depositions in an opposition proceeding currently pending in the United States Patent and Trademark Office before the Trademark Trial and Appeal Board.

The opposition proceeding is styled as Heaven Hill Distilleries, Inc. v. Diallo Yassinn Patrice, Opposition Number: 91183753.

As reviewed in the prior deposition of Drew Wesley that was taken earlier today, notice of today's deposition was provided to Mr. Diallo on December 21st, 2009, with a follow-up communication confirming the date and time and enclosing the exhibits on January 14th, 2010.

I hereby move for the admission of Exhibits 30 and 31, which document the notice that was provided to Mr. Diallo, and which are more fully described in the deposition of Drew Wesley.

(Exhibit Nos. 30 and 31 were offered into evidence.)

The time now being approximately five minutes after 12:00, and not having heard from Mr. Diallo, we will now proceed with this deposition.

We currently have in the room the deponent,

1 Justin Ames.

2 Will you please swear the witness.  
3

4 JUSTIN AMES, CALLED ON BEHALF OF THE  
5 OPPOSER, AFTER BEING FIRST SWORN, WAS EXAMINED AND  
6 TESTIFIED AS FOLLOWS:  
7

8 DIRECT EXAMINATION

9 BY MR. WILLIAMS:

10 Q. Would you please state your full name for  
11 the record.

12 A. Justin Sidney Ames.

13 Q. And where do you work, Mr. Ames?

14 A. Heaven Hill Distilleries.

15 Q. And where is your office located?

16 A. Our office is located in St. Matthews,  
17 Louisville, Kentucky.

18 Q. And how long have you been with Heaven  
19 Hill Distilleries?

20 A. Over six years.

21 Q. And how long have you been in your current  
22 position?

23 A. Over six years.

24 Q. And now a little bit of background on you.  
25 Where did you attend college?

1 A. John Carroll University.

2 Q. Where is that located?

3 A. Cleveland, Ohio.

4 Q. Did you graduate?

5 A. Yes, 1994.

6 Q. And what was your degree?

7 A. Bachelor of Arts, French -- French  
8 languages.

9 Q. And do you have any other degrees or  
10 professional certifications?

11 A. I have an M.B.A., Master's of Business  
12 Administration.

13 Q. And where is that from?

14 A. John Carroll University.

15 Q. When did you receive that?

16 A. Sometime in late 2000.

17 Q. And now could you briefly give me an  
18 overview of your employment history before joining  
19 Heaven Hill.

20 A. One of my first ventures was a private  
21 company, which included the import of alcoholic  
22 beverages to the United States. Some of those being  
23 beer and wines.

24 Q. And did you deal just with the import  
25 issues associated with that, or were you also

1 responsible for marketing the products, as well?

2 A. We were responsible for marketing the  
3 product and if they were viable in the United States.

4 Q. And so that was -- by a private company,  
5 you were talking about a company that you owned all  
6 or a part of?

7 A. Yeah. The company's name was Lajda Ames,  
8 and I was an owner in the company.

9 Q. And following that, what did you do?

10 A. Following that, I worked at Little Tikes  
11 toy company, which was a division of Newell  
12 Rubbermaid, in sales and marketing.

13 Q. And what types of -- what types of goods  
14 were they involved in?

15 A. They are the third or fourth largest  
16 producers of children's toys in the world.

17 Q. And did you go from there to Heaven Hill?

18 A. I went from there to Paterno Wines  
19 International, which is now called Terlato Wine  
20 Group, and that is a privately held company that  
21 imports and exports wines, and I was an associate  
22 brand manager there.

23 Q. Could you spell Paterno and Terlato for  
24 us, please.

25 A. O.K. Paterno is P-A-T-E-R-N-O. Terlato

1 is T-E-R-L-A-T-O.

2 Q. Thank you.

3 And as an assistant brand manager at Paterno,  
4 what were your responsibilities?

5 A. I was responsible for the marketing and  
6 importation of a family of wine brands, as well as --  
7 and that included the naming, creation, of new wine  
8 products, labels, as well as all the marketing for  
9 current products.

10 Q. So by naming of the product, you're  
11 talking about choosing a trademark for an individual  
12 product?

13 A. Yes.

14 Q. And, then, the development of the  
15 marketing to promote, enhance the trademark and build  
16 goodwill in it?

17 A. Yes. Specifically -- yes, and  
18 particularly, line extensions that would involve  
19 trademark research, as well as name research to  
20 ensure that the name is not taken or used for the  
21 launch of new lines.

22 Q. And does that take us up to your  
23 employment with Heaven Hill?

24 A. That takes us up to, yeah, my employment  
25 with Heaven Hill.

1 Q. What is your position with Heaven Hill?

2 A. I am a senior brand manager.

3 Q. And what is the business of Heaven Hill?

4 A. Heaven Hill Distilleries is in the  
5 business of supplying and importing and marketing  
6 alcoholic beverages.

7 Q. And approximately how many employees does  
8 Heaven Hill have?

9 A. Around 400.

10 Q. And where does it have offices in addition  
11 to your office here in Louisville, Kentucky?

12 A. It has an additional office in Louisville,  
13 Kentucky, as well as a distillery in Louisville,  
14 Kentucky, and an office and bottling facility in  
15 Bardstown, Kentucky.

16 Q. As senior brand manager, what are your job  
17 responsibilities; what brands do you manage?

18 A. I manage the Hpnotiq brand, Christian  
19 Brothers brandy, Agua Luca Cachaca, and several other  
20 brandy products.

21 Q. To whom do you report?

22 A. I report to Kate Latts, who is the  
23 director of marketing.

24 Q. And do you have anyone that reports to  
25 you?

1           A.       Yes, I have -- currently I have an  
2       associate brand manager and a brand specialist who  
3       report to me.

4           Q.       And does your job involve visiting venues  
5       where alcoholic beverages are sold or consumed?

6           A.       Yes.

7           Q.       What types of venues are these?

8           A.       These are basically every venue that sells  
9       alcoholic products, whether they are on-premise  
10      venues or off-premise venues.

11          Q.       Could you explain what an on-premise venue  
12      is?

13          A.       An on-premise venue is any venue at which  
14      a drink or an alcoholic beverage can be consumed.

15                 An off-premise venue is a location to where an  
16      alcoholic beverage product can be purchased yet not  
17      consumed.

18          Q.       And could you give us some examples of  
19      each type of venue?

20          A.       On-premise venues can be bars, pubs -- any  
21      place that has a liquor license -- lounges, dance  
22      clubs.

23          Q.       So, essentially any place you can buy  
24      liquor by the drink?

25          A.       Yeah. Any place you can buy liquor by the

1 drink, yeah.

2 Off-premise can be everything from retail liquor  
3 establishments to gas stations to convenient stores.

4 Q. And in your role as senior brand manager  
5 for Hpnotiq, are you involved in the selection and  
6 adoption of trademarks?

7 A. Yes.

8 Q. And could you describe your involvement.

9 A. In my involvement with Hpnotiq, as well as  
10 other brands that we consider, it is in selecting  
11 appropriate names for products and ensuring that they  
12 are not infringing on another's trademark, as well as  
13 creating tag lines, drink names, point of sale,  
14 wearable items, drink menus, that are appropriate to  
15 the brand.

16 Q. And can you provide us a little more  
17 background on Heaven Hill?

18 A. Yes. Heaven Hill Distilleries is one of  
19 the largest independently owned distilleries in the  
20 country. It is the second largest holder of bourbon  
21 in barrel, and it is also a major player in the  
22 industry.

23 Q. And now to focus a little bit more on the  
24 actual marketing and sale of alcoholic beverages.

25 What activities are included in marketing?

1           A.       Well, marketing includes pricing,  
2       promotion, product and distribution of the product --  
3       given product. In this situation it means everything  
4       from creating a product, launching a product, to  
5       creating the advertising materials, to promoting the  
6       product whether it be through traditional means or  
7       non-traditional means.

8           Q.       And connected with that marketing of a  
9       product, when you have a product that already has a  
10      brand name associated with it, what do you do in  
11      terms of using that brand name in your marketing,  
12      and, then, how does your marketing revolve around the  
13      brand name?

14          A.       Well, we definitely promote the brand name  
15      as much as possible in order to build recognition and  
16      brand awareness for the brand.

17          That could mean advertising in magazines,  
18      driving trial -- that is, driving samples with  
19      consumers -- and at all times promoting the name of  
20      the product to the consumer to build brand  
21      recognition.

22          Q.       We've talked about running advertisements  
23      with the mark in there, providing samples to  
24      consumers. How else do you advertise alcoholic  
25      beverages in general?

1           A.       You can advertise them through non-  
2       traditional means, which means public relations,  
3       promotional events, celebrity endorsements, guerrilla  
4       marketing techniques.

5           Basically, any way to get the name of the  
6       product out to the consumer so that they would  
7       remember it and purchase your product.

8           Q.       And how much of the intent of the  
9       marketing of an alcoholic beverage is to create  
10      recognition of a brand that's spread from person to  
11      person, say, orally or verbally versus having them  
12      encounter your formal advertising?

13          A.       That's definitely the goal. It is what we  
14      call word of mouth advertising. We want to create an  
15      impression in the consumer's mind, and we want the  
16      consumer then to talk about the product with their  
17      friends and to spread the name of the product. But  
18      we also want the consumer to know the name so that  
19      they can order the product and ask for the product.

20          Q.       And for alcoholic beverages in general, is  
21      there any specific demographic that's the target  
22      audience?

23          A.       The -- well, target audience is anyone of  
24      legal drinking age for all alcoholic beverages.  
25      Anyone 21 years of age and above. Depending on the

1 brand, that can be more segmented to a particular age  
2 group or demographic.

3 Q. Well, let's then talk about the Hpnotiq  
4 brand a little bit more in specific.

5 Is this mark used on an alcoholic beverage?

6 A. Yes.

7 Q. And what is that beverage?

8 A. It is a liqueur. It is an exclusive blend  
9 of premium vodka, fine cognac and natural tropical  
10 fruit juices.

11 Q. And how is the mark spelled?

12 A. It is spelled H-P-N-O-T-I-Q.

13 Q. And when I pronounced it hypnotic, is that  
14 the correct pronunciation?

15 A. That is the correct pronunciations.

16 Q. So it's pronounced the same as the word  
17 hypnotic meaning something that's related to hypnosis  
18 or hypnotism and that is spelled H-Y-P-N-O-T-I-C?

19 A. Yes.

20 Q. How long has Hpnotiq been used as a brand  
21 for liqueur?

22 A. Since its inception, which is 2002 or  
23 2003.

24 Q. When did you first become aware of the  
25 Hpnotiq brand liqueur?

1           A.       Just over six years ago.

2           Q.       Is that when you joined Heaven Hill?

3           A.       Yeah, when I joined Heaven Hill.

4           Q.       Who owns the Heaven Hill mark?

5           A.       Heaven Hill owns the Hpnotiq mark.

6           Q.       What has your involvement been with  
7 Hpnotiq brand liqueur?

8           A.       I have been the sole brand manager who has  
9 marketed the brand since the purchase of the brand  
10 and the name by Heaven Hill Distilleries.

11          Q.       So when Heaven Hill acquired the brand and  
12 the name, you were already onboard with Heaven Hill  
13 or came onboard at that time to take that role?

14          A.       I came onboard shortly after to assume  
15 that role.

16          Q.       To whom is the Hpnotiq brand liqueur  
17 marketed?

18          A.       Currently, it is marketed to women who are  
19 interested in a girls' night out, which means women  
20 of any race or age who are looking to spend some  
21 time -- fun, lighthearted time -- with their  
22 girlfriends.

23          Q.       And in conjunction with this promotion to  
24 that specific demographic, are you also indirectly  
25 promoting it to others?

1           A.       Yeah, indirectly promoting it to others,  
2       as well as anyone of the male sex who would be  
3       interested in buying a woman a drink.

4           Q.       Has this demographic changed over time?

5           A.       It has.   When the brand first started, it  
6       was hip-hop, had a hip-hop focus.

7           Q.       So then, I guess, the experience with  
8       Hpnotiq has been that the focus can change over time?

9           A.       Oh, definitely.   That's something that you  
10      have to do in the alcohol industry; you have to  
11      constantly promote your brand to new legal age  
12      drinkers, as older drinkers may move onto other  
13      products.

14          Q.       And are consumers of Hpnotiq brand liqueur  
15      likely to purchase other types of alcoholic  
16      beverages?

17          A.       Definitely.   And that is because Hpnotiq  
18      can be enjoyed by itself, but it's a very popular  
19      drink to mix with other brands, other vodkas, other  
20      spirits, and also sparkling wines.

21          Q.       And to your knowledge, does the Hpnotiq  
22      mark, H-P-N-O-T-I-Q, have any meaning other than as a  
23      trademark for Heaven Hill's good from a literal  
24      perspective?

25          A.       No.   The name was coined and created by

1 the founders of Hpnotiq for the product.

2 Q. And even though it has no other literal  
3 meaning that you're aware of, does the fact that  
4 Hpnotiq is this coined or created term, do consumers  
5 have any type of connotation or associated feeling or  
6 impression of that mark?

7 A. Yes. Many consumers think that it has a  
8 hypnotic effect; that it will hypnotize you; that it  
9 will provide a hypnotic change of mind.

10 Q. And do they ascribe any type of meaning to  
11 it, or any type of association to it, in addition to  
12 that?

13 A. Well, as it being mesmerizing and  
14 spellbinding, yes. In the sense of hypnotic, yes,  
15 that type of association.

16 Q. And in your experience in marketing this  
17 drink to them, does that connotation that the mark  
18 has to them, is that something that the consumers  
19 find to be appealing or something that draws them  
20 into the brand?

21 A. Yeah. It's an extremely important reason  
22 for the consumer to buy the brand, and it's one of  
23 the reasons -- or at least a positive reason that  
24 they purchase the product.

25 Q. Other than Heaven Hill's Hpnotiq product,

1 are you aware of any other beverage alcohol product  
2 that uses a term that's derivative of or related to  
3 or synonymous with hypnosis or hypnotism?

4 A. No, except for Mr. Diallo's intent to  
5 trademark or use the mark Hypnotizer.

6 Q. So, then, is it fair to say that Heaven  
7 Hill has relied on the uniqueness of the HpnotiQ mark  
8 and the consumers' connotation of the mark as being  
9 related to hypnosis and hypnotism to build goodwill  
10 in the HpnotiQ brand?

11 A. Yes.

12 Q. And please give us a brief overview of how  
13 Heaven Hill protects its rights in the HpnotiQ mark.

14 A. We monitor or trademark watch -- we  
15 monitor other brand registrations. We also use  
16 trademark watch services. We look through magazines  
17 to see if other companies are producing or  
18 manufacturing any product that might use a similar  
19 name or a confusingly similar name.

20 Q. And has Heaven Hill registered its mark?

21 A. Yes.

22 Q. I think you also referred earlier to  
23 HpnotiQ as being kind of a premium or high-end  
24 beverage; is this correct?

25 A. Yes, it is correct. Yes.

1 Q. And about how much does it cost for the  
2 typical bottle?

3 A. Typical bottle of Hpnotiq can be anywhere  
4 from \$20 to \$26 at an off-premise location.

5 Q. And what size bottle would that be?

6 A. About 750, which is a standard bottle.

7 On-premise it can vary greatly in price  
8 depending whether you're purchasing a drink or you're  
9 purchasing a bottle.

10 Q. And are there other sizes of bottles  
11 available?

12 A. Yeah, there are other sizes and bottles,  
13 everywhere from a small size, the 50 milliliters, up  
14 to 1.75. There are a greater number of smaller  
15 sizes, and the price can be anywhere from \$2 for a 50  
16 milliliter bottle up to \$40 or \$50 for a 1.75 liter  
17 bottle.

18 Q. Those are off-premise prices?

19 A. Off-premise prices, yes.

20 Q. What about the types of -- ranges that you  
21 see on prices of on-premise drinks that include  
22 Hpnotiq?

23 A. On-premise drinks can range from \$2 to \$3  
24 for a shot, up to \$900 for some specialty drinks we  
25 see bartenders creating in certain locations.

1           Q.       And what about a bottle of Hpnotiq sold at  
2       an on-premise outlet?

3           A.       On-premise bottle service, which means  
4       that a bottle is brought to you at your table, it can  
5       be from \$50 for a 750 size bottle up to \$800.

6           Q.       So, then, I guess it would be fair to say  
7       that Hpnotiq liqueur in one form or another is priced  
8       to be affordable to most people?

9           A.       Yes, definitely. Hpnotiq is a life-style  
10      brand, and one of the things that you do with  
11      life-style brands is you market a high price point to  
12      people who are considered influential, but you want  
13      to ensure that your product is available to the  
14      general mainstream consumer and that they can  
15      purchase it off-premise at a reasonable price.

16          Q.       Now, I would like to turn your attention  
17      to Exhibit 1.

18                   (Premarked Exhibit No. 1 was tendered to  
19      the witness.)

20          Can you identify this exhibit?

21          A.       Yes. This is the United States Trademark  
22      Registration for Hpnotiq from the United States  
23      Patent and Trademark Office.

24          Q.       And what is the registration number?

25          A.       It is 2,642,855.

1 Q. And for what goods is it registered?

2 A. It is for liqueur, In Class 33.

3 Q. And earlier I believe you testified that  
4 the brand first started being used maybe in the 2002  
5 or 2003 time frame?

6 A. Yes.

7 Q. On this certificate here it indicates a  
8 first use date in September of 2001.

9 Does that surprise you?

10 A. It doesn't surprise me, because I'm not  
11 totally familiar with the date of creation of the  
12 brand or as to when it was first trademarked, as we  
13 purchased this brand from someone.

14 MR. WILLIAMS: I move for the admission of  
15 Exhibit 1.

16 (Exhibit No. 1 was offered into evidence.)

17 BY MR. WILLIAMS:

18 Q. Can you identify this exhibit that I've  
19 marked as Exhibit 2?

20 (Premarked Exhibit No. 2 was tendered to  
21 the witness.)

22 A. It is a trademark for Hpnotiq, and it is  
23 for the labeling, I believe, of the bottle.

24 Q. And this is registration number 2,822,475?

25 A. Yes.

1 Q. And for what goods is -- did this  
2 registration issue?

3 A. For liqueur.

4 MR. WILLIAMS: And I move for the  
5 admission of Exhibit 2.

6 (Exhibit No. 2 was offered into evidence.)

7 BY MR. WILLIAMS:

8 Q. And with regard to Exhibits 1 and 2, which  
9 exhibited registrations for the Hpnotiq mark in  
10 connection with liqueur, those goods are still  
11 presently being sold?

12 A. Yes.

13 Q. Now, turning to Exhibit 3, can you  
14 identify this exhibit?

15 (Premarked Exhibit No. 3 was tendered to  
16 the witness.)

17 A. Yes. This is a trademark for Hpnotiq for  
18 clothing, namely, shirts.

19 Q. And what is the registration number on  
20 this certificate?

21 A. It is 2,834,130.

22 Q. And for what goods is this mark  
23 registered?

24 A. It says clothing, namely, shirts. But  
25 this is -- we consider this for wearable items, any

1 type of clothing item. Tee shirts, jeans, whatever.

2 Q. So you are using the mark in connection  
3 with shirts?

4 A. Oh, yes, we definitely are using the mark  
5 for shirts, dresses, undergarments.

6 MR. WILLIAMS: I move for the admission of  
7 Exhibit 3.

8 (Exhibit No. 3 was offered into evidence.)

9 BY MR. WILLIAMS:

10 Q. Now if you would refer to a document I've  
11 labeled Exhibit 4.

12 (Premarked Exhibit No. 4 was tendered to  
13 the witness.)

14 Can you identify this exhibit?

15 A. It's a trademark for Hpnotiq in the  
16 class -- for candles, and its registration number is  
17 2,834,133.

18 Q. And in addition to candles is it also  
19 registered for something else?

20 A. Yeah, beverage glassware.

21 Q. Are you using the mark with these goods?

22 A. Yes.

23 MR. WILLIAMS: I move for the admission of  
24 Exhibit 4.

25 (Exhibit No. 4 was offered into evidence.)

1 BY MR. WILLIAMS:

2 Q. In addition to the Hpnotiq mark itself, do  
3 you use other marks that are similar to or derivative  
4 of the Hpnotiq mark in connection with the promotion  
5 and sale of Hpnotiq liqueur?

6 A. Yes.

7 Q. And can you provide some examples of these  
8 related marks?

9 A. Yes. Cocktails, any type of drinks that  
10 include the Hpnotiq liqueur as an ingredient. Some  
11 of those include HPNO-Rita, Hpnotizer, Hypnotize  
12 Martini, Astrono-TIQ, anything that can use the name  
13 in the drink.

14 Q. So when you're selecting these names for  
15 prepared alcoholic cocktails, what are you looking  
16 for?

17 A. We're looking to incorporate the name of  
18 Hpnotiq into the drink so that the consumer can  
19 quickly and easily associate the drink with the  
20 Hpnotiq mark.

21 And as I said before, some of those can be  
22 HPNO-Rita, Hpnotizer, Hpnotize, et cetera.

23 Q. And now if I could ask you to take a look  
24 at Exhibit 5.

25

1                   (Premarked Exhibit No. 5 was tendered to  
2 the witness.)

3           A.       Yes.

4           Q.       Can you identify that exhibit?

5           A.       Yeah. That's -- it's a copy of a drink  
6 recipe book from 2005, and there is a purchase order  
7 that is attached that shows when we first ordered  
8 this drink book.

9           Q.       And can you explain the purpose and use of  
10 this book?

11          A.       The purpose and use of this book is to  
12 familiarize the consumer, bartenders, distributors,  
13 general populous, of the Hpnotiq brand name, as well  
14 as the product and how to use it in cocktails.

15          Q.       When was this book printed?

16          A.       2005.

17          Q.       And would this book have been distributed  
18 shortly after that?

19          A.       Yes.

20                 In the quantities of hundreds of thousands.

21          Q.       And if you could refer to Page 5 of that  
22 exhibit.

23                 What is this particular drink here that's  
24 spelled H-P-N-O-T-I-Z-E-R?

25          A.       That's the Hpnotizer drink.

1 Q. So that's pronounced hypnotizer as in the  
2 word hypnotizer, H-Y-P-N-O-T-I-Z-E-R?

3 A. Yes.

4 Q. When did Heaven Hill first begin using  
5 Hpnotizer to identify a prepared alcoholic cocktail  
6 that contains Hpnotiq liqueur?

7 A. Before the production of this recipe book  
8 in 2005.

9 Q. So it was in use at least as long ago as  
10 the publication of this book, and you believe it was  
11 actually being used before that?

12 A. Yes.

13 Q. Based on your experience in marketing of  
14 sales of alcoholic beverages, especially in  
15 on-premise locations, in such a setting would there  
16 be any way for a waitperson or bartender to  
17 distinguish between an oral order for a Hpnotizer  
18 cocktail made with Hpnotiq liqueur and an order for  
19 Mr. Diallo's Hypnotizer product?

20 A. No, not at all.

21 MR. WILLIAMS: I move for the admission of  
22 Exhibit 5.

23 (Exhibit No. 5 was offered into evidence.)

24 BY MR. WILLIAMS:

25 Q. Now, could you take a look at what I've

1       labeled Exhibit 6.

2                   (Premarked Exhibit No. 6 was tendered to  
3       the witness.)

4           Can you identify this exhibit?

5           A.       Yes, that is a copy of a drink recipe book  
6       from 2006.

7           Q.       And is the purpose and use of this exhibit  
8       the same as the prior exhibit?

9           A.       Yes.

10          Q.       And does this book also use Hpnotizer,  
11       H-P-N-O-T-I-Z-E-R, to identify prepared alcoholic  
12       cocktails using a Hpnotiq liqueur?

13          A.       Yes.

14          Q.       And on what page?

15          A.       On Page 5.

16                   MR. WILLIAMS: I move for the admission of  
17       Exhibit 6.

18                   (Exhibit No. 6 was offered into evidence.)

19       BY MR. WILLIAMS:

20          Q.       If you could look at the page that I've  
21       labeled Exhibit 7.

22                   (Premarked Exhibit No. 7 was tendered to  
23       the witness.)

24          Can you identify this exhibit?

25          A.       Yes, this is a printout of a recipe called

1 Hpnotizer that appears on the Hpnotiq.com WEBSITE.

2 Q. What's the purpose and use of this  
3 exhibit?

4 A. The purpose of the recipes are to inform  
5 the consumer trade, bartenders, general populous, of  
6 how to mix the Hpnotizer drink which uses Hpnotiq  
7 liqueur.

8 Q. And approximately when was the recipe  
9 using the Hpnotizer mark first used on the WEBSITE?

10 A. No later than 2005.

11 Q. How do you know this?

12 A. We maintain a master database of all of  
13 our drink names and those are posted onto the  
14 WEBSITE, and this would have been done when the drink  
15 book -- drink recipe book was created in 2005.

16 Q. And has the recipe been continually  
17 exhibited on the WEBSITE since that date?

18 A. Yes.

19 MR. WILLIAMS: I move for admission of  
20 Exhibit 7.

21 (Exhibit No. 7 was offered into evidence.)

22 BY MR. WILLIAMS:

23 Q. Now if I could ask you to look at the  
24 exhibit I've marked as 8.

25

1                   (Premarked Exhibit No. 8 was tendered to  
2 the witness.)

3           Can you identify this exhibit?

4           A.       Yes. That is a printout of a recipe  
5 called the Hypnotize Martini from the Hpnotiq.com  
6 WEBSITE.

7           Q.       And it has the same purpose and use as the  
8 prior recipe that we talked about?

9           A.       Yeah. It is there to inform the public  
10 and bartenders of how to make a particular drink that  
11 uses Hpnotiq liqueur.

12          Q.       And approximately when was this drink  
13 recipe posted to the WEBSITE?

14          A.       No later than 2005.

15          Q.       And has it been continually exhibited on  
16 the WEBSITE since that date?

17          A.       Yes.

18                   MR. WILLIAMS: I move for the admission of  
19 Exhibit 8.

20                   (Exhibit No. 8 was offered into evidence.)

21 BY MR. WILLIAMS:

22          Q.       Now I'll ask you to take a look at what  
23 I've pre-labeled Exhibit 9.

24                   (Premarked Exhibit No. 9 was tendered to  
25 the witness.)

1 Can you take a look through those pages and  
2 identify the exhibit?

3 A. These are printout -- printouts of recipes  
4 of various drinks that use "HPNO" as an integral part  
5 of drink names that use Hpnotiq liqueur.

6 Q. When you say "HPNO", how is that spelled?

7 A. H-P-N-O, which is the first four letters  
8 of Hpnotiq.

9 Q. And again these -- it is my understanding  
10 that these recipes are used to promote various  
11 cocktails and various ways that Hpnotiq liqueur can  
12 be mixed with other beverages to form cocktails?

13 A. Yes.

14 Q. And would you read each of the drink names  
15 for the record, please.

16 A. HPNO-Tini, which is H-P-N-O hyphen  
17 T-I-N-I; HPNO Grand Shot; HPNO Meister; HPNO-Blue  
18 Dreamsicle -- which is H-P-N-O hyphen Blue space  
19 Dreamsicle; HPNO-Blue Lounge lizard, which is also  
20 hyphenated HPNO-Blue; HPNO-Blue Raspberry; HPNO-Blue  
21 Sea, again hyphenated; "HPNO-Colada; "HPNO-Purple  
22 Rain; HPNO-Rita.

23 Q. Approximately when were these recipes  
24 first exhibited on the WEBSITE?

25 A. No later than 2005.

1           Q.       And are all these recipes and drink names  
2 included in the recipe books that were identified  
3 earlier as Exhibits 5 and 6?

4           A.       Yes.

5           Q.       And have the recipes been continually  
6 exhibited on the Hpnotiq.com WEBSITE since 2005?

7           A.       Yes.

8           Q.       And are these drink names, not just the  
9 "HPNO" drink names, but also the Hypnotize Martini  
10 and Hpnotizer names used in other places?

11          A.       Yes. They are used in table tents, which  
12 are recipe cards on the tables in bars, clubs,  
13 lounges. They are used on menus; they are used in  
14 advertisements; they are used in all sorts of  
15 promotional materials in on-premise locations.

16               And that includes the Hypnotize, as well as  
17 Hpnotizer drink recipes, as well as the ones that  
18 begin with the first four letters H-P-N-O.

19          Q.       How important are these opening syllables  
20 in such an on-premise venue?

21          A.       It is extremely important. Because all of  
22 these drinks are ordered by name in these venues and  
23 many times they are referred to as just "HPNO" and an  
24 ingredient -- for example "HPNO" and Hennessy or  
25 HPNO-Rita, like we mentioned before -- and it can

1 cause confusion if there was another name or another  
2 product that was similar in name.

3 MR. WILLIAMS: I move for the admission of  
4 Exhibit 9.

5 (Exhibit No. 9 was offered into evidence.)

6 BY MR. WILLIAMS:

7 Q. Now, if I can have you take a look at the  
8 documents labeled as Exhibit 10.

9 (Premarked Exhibit No. 10 was tendered to  
10 the witness.)

11 Do you recognize these documents?

12 A. Yes.

13 Q. And what are they?

14 A. They are ads in popular magazines that are  
15 advertising the Hpnotiq product with the headline of  
16 Hpnotized.

17 Q. How is Hpnotized spelled in the  
18 advertisements?

19 A. It is spelled H-P-N-O-T-I-Z-E-D.

20 Q. But it's, again, pronounced as though it  
21 was spelled in the traditional form,  
22 H-Y-P-N-O-T-I-Z-E-D?

23 A. Yes.

24 Q. Approximately when did these ads run?

25 A. Early 2007.

1 MR. WILLIAMS: I move for the admission of  
2 Exhibit 10.

3 (Exhibit No. 10 was offered into  
4 evidence.)

5 BY MR. WILLIAMS:

6 Q. If we could take a look at Exhibit 11, if  
7 you could take a look at those documents and tell me  
8 if you recognize them.

9 (Premarked Exhibit No. 11 was tendered to  
10 the witness.)

11 A. Yes.

12 Q. And what are they?

13 A. They are recipes that have been either  
14 posted on-line or printed in newspaper or magazines  
15 that use Hpnotiq and use the term Hpnotist.

16 Q. In this case, how is the term Hpnotist  
17 spelled?

18 A. Hpnotist is spelled H-P-N-O-T-I-S-T.

19 Q. So, again, it's not spelled in the  
20 traditional form even though it's pronounced that  
21 way?

22 A. Yes.

23 Q. And please explain how this recipe came to  
24 be out there in these publications.

25 A. We engaged a public relations firm who

1 sends out to the press Hpnotiq drink recipes that use  
2 the Hpnotiq name, and they are oftentimes syndicated  
3 and oftentimes printed in newspapers, magazines and  
4 on-line.

5 Q. So the P.R. firm would have worked with  
6 Heaven Hill then to develop this name and the  
7 formulation for the drink --

8 A. Yes.

9 Q. -- and, then, they would get it out there  
10 so people could see it.

11 A. Yes.

12 Q. Again trying to tie it back to make it  
13 immediately apparent that it's made with Hpnotiq  
14 liqueur?

15 A. Yes.

16 MR. WILLIAMS: Move for the admission of  
17 Exhibit 11.

18 (Exhibit No. 11 was offered into  
19 evidence.)

20 BY MR. WILLIAMS:

21 Q. If I could have you take a look now at the  
22 documents that I have labeled Exhibit 12.

23 (Premarked Exhibit No. 12 was tendered to  
24 the witness.)

25 Can you tell me what this exhibit is?

1           A.       This is a list of national accounts  
2 throughout the United States -- and actually some in  
3 Canada and possibly Mexico -- in general, North  
4 America that sell Hpnotiq.

5           Q.       And who created this exhibit?

6           A.       This is created by our national accounts  
7 manager, the person who sells Hpnotiq product to  
8 these accounts.

9           Q.       And so what do you mean by national  
10 account?

11          A.       National accounts are accounts that are  
12 multiple units and multiple different locations  
13 throughout -- some of these cases, throughout North  
14 America.

15          Q.       And are these the only outlets that sell  
16 Hpnotiq liqueur?

17          A.       No. There are many, many, many more that  
18 sell the product.

19                 MR. WILLIAMS: I move for the admission of  
20 Exhibit 12.

21                 (Exhibit No. 12 was offered into  
22 evidence.)

23 BY MR. WILLIAMS:

24          Q.       Where else is Hpnotiq sold?

25          A.       Hpnotiq is sold in restaurants, bars,

1     liquor stores, convenient stores, V.I.P. lounges.  
2     Pretty much anyplace that has a liquor license and  
3     can sell alcoholic beverages legally, carries  
4     Hpnotiq.

5             So the only outlets that wouldn't carry Hpnotiq  
6     would be places that can't legally sell alcoholic  
7     beverages.

8             Q.     So it's widely available. Does that  
9     translate into a good market ranking for Hpnotiq?

10            A.     Yeah. Hpnotiq is one of the top selling  
11     liqueurs in the United States.

12            Q.     And, so, that's the segment that it falls  
13     in, the liqueur category?

14            A.     Falls into the liqueur category through  
15     our cordials.

16            Q.     How does it rank compared to other brands  
17     in that category?

18            A.     I believe it's the fourth largest brand in  
19     the imported liqueur category, and in the cordial and  
20     liqueur category overall it is the seventh largest  
21     based on volume.

22            Q.     And if you can take a look at Exhibit 13.

23                   (Premarked Exhibit No. 13 was tendered to  
24     the witness.)

25            Is that what the information in this exhibit

1 provides?

2 A. Yes.

3 Q. And could you identify Exhibit 13?

4 A. It is the Liquor Handbook, which is the  
5 foremost reference material in the industry.

6 Q. By foremost reference material, are you  
7 meaning that everybody involved in the industry  
8 refers to this book to determine where their brand  
9 ranks?

10 A. Yes.

11 Q. And, so, where do you find the information  
12 on the ranking of Hpnotiq?

13 A. Well, if you look in the section of -- in  
14 the Liquor Handbook 2009, Page 207, there is leading  
15 brands and cordials and liqueurs for the years 2003  
16 to 2008.

17 Q. And, so, the 2008 date is the most recent  
18 date that is available?

19 A. It is the most recent date that's  
20 available.

21 Q. And so on that listing it's showing  
22 Hpnotiq as the fourth highest volume in the imported  
23 category?

24 A. Yes.

25 Q. And how do you arrive at it being the

1 seventh largest overall?

2 A. If you combine imported and domestic  
3 cordials together and rank them based on volume,  
4 then, it's the seventh.

5 Q. And are there names of any brands that  
6 would be readily recognized that are below Hpnotiq on  
7 this list?

8 A. There are quite a few brands of  
9 recognizable products that fall below Hpnotiq, yes.

10 Q. Can you give me examples that you think  
11 are notable?

12 A. Well, Cointreau, which is an extremely  
13 popular brand throughout the world, Grand Marnier, Di  
14 Saranno, Patron Citronge, Midori, there are several.

15 Q. And according to this, according to the  
16 2008 volumes here that are published, what was the  
17 volume of Hpnotiq liqueur?

18 A. The volume in 2008 would have -- according  
19 to this, would be 510,000 nine-liter cases.

20 Q. And what's the approximate retail value of  
21 that?

22 A. Approximately \$150 million.

23 MR. WILLIAMS: I move for the admission of  
24 Exhibit 13.

25 (Exhibit No. 13 was offered into

1 evidence.)

2 BY MR. WILLIAMS:

3 Q. If I could ask you now to look at the  
4 documents here that are labeled Exhibit 14.

5 (Premarked Exhibit No. 14 was tendered to  
6 the witness.)

7 Can you identify this collection of documents.

8 A. Yeah, these are media schedules for the  
9 HpnotiQ brand since -- from 2003 to 2010, since we've  
10 owned the brand basically -- I mean 2004.

11 Q. And who created this document?

12 A. This document was created by our  
13 advertising agencies, which would be Keller Crescent.

14 Q. Can you please explain the information  
15 contained in here? Let's look maybe at the second  
16 page of the exhibit, which is titled May of 2008 to  
17 April of 2009 consumer schedule.

18 A. This contains the schedule of advertising  
19 for the brand in many different national  
20 publications, as well as regional publications, and  
21 some on-line WEB-based outlets. And it shows the  
22 month across the top, when the ad would be placed,  
23 which magazine, and on -- and what size of ad would  
24 be placed, as well as which ad would be placed. It  
25 also shows total circulation of each magazine.

1 Q. And so some of these publications are  
2 nationwide?

3 A. Yeah, many -- yes.

4 Q. And how do you know who reads these  
5 publications?

6 A. There is a third party company that audits  
7 these magazines and provides information as to the  
8 consumer who reads each magazine and their  
9 demographics.

10 MR. WILLIAMS: I move for the admission of  
11 Exhibit 14.

12 (Exhibit No. 14 was offered into  
13 evidence.)

14 BY MR. WILLIAMS:

15 Q. Let me have you take a look at the next  
16 document, that I've labeled Exhibit 15.

17 (Premarked Exhibit No. 15 was tendered to  
18 the witness.)

19 Could you identify this exhibit?

20 A. Yes. This exhibit is 2008 to 2009 gross  
21 impressions for the Hpnotiq brand. It lists  
22 publication and circulation and number of  
23 impressions.

24 Q. And, so, you mentioned -- I guess, the  
25 publication column, then, that's the publication that

1 your ad appeared in?

2 A. Yes.

3 Q. And the circulation column is the  
4 circulation of that particular publication, that's  
5 the actual subscribers?

6 A. That is the subscriber base in which the  
7 Hpnotiq ad appears.

8 Q. And, then, the readers per copy?

9 A. Yeah. The readers per copy indicates how  
10 many people read each individual issue of that  
11 magazine. What I mean by that is one copy is read  
12 by "X" number of people.

13 Q. And so then the per issue of impressions,  
14 then, is the circulation multiplied by the number of  
15 readers per copy?

16 A. Yes.

17 Q. And, so, then, the total gross impressions  
18 that you get to is that number multiplied by the  
19 number of different times you advertised in that  
20 magazine in that year?

21 A. Yes.

22 Q. So the result of that schedule that we  
23 looked at in Exhibit 14 for 2008-2009, this is  
24 showing the results that Heaven Hill got for running  
25 those advertisements?

1           A.       Right. Those results are over 100 million  
2 impressions.

3           MR. WILLIAMS: I move for the admission of  
4 Exhibit 15.

5                   (Exhibit No. 15 was offered into  
6 evidence.)

7 BY MR. WILLIAMS:

8           Q.       So since you have been involved with the  
9 HpnotiQ brand liqueur, how has that brand been  
10 marketed, promoted, and advertised?

11          A.       It has been marketed, promoted and  
12 advertised on television, radio, internet, product  
13 placement, songs, magazines, point of sale materials,  
14 through word of mouth, marketing programs such as  
15 ambassador programs and field marketing  
16 representatives, as well as social media, which means  
17 Twitter, Facebook, blogs.

18          Q.       How do you -- can you explain a little  
19 more about how social media is used?

20          A.       Social media is basically a way to build  
21 brand awareness or brand recognition with the general  
22 populous.

23               And what you do is you engage the consumer in  
24 places where they go to seek information or where  
25 they buy their products or where they spend their

1 free time. That can be engaging them on such things  
2 as Facebook, on the internet; it can be engaging them  
3 in one-on-one conversations in bars using personnel  
4 that work for you; it can be engaging them through  
5 the use of people who write blogs.

6 Q. So this one-on-one engagement at  
7 on-premise locations, that would be your ambassadors  
8 and field marketing representatives?

9 A. Ambassadors, field marketing  
10 representatives, and the Heaven Hill sales force.

11 And it's very important to note that a lot of  
12 that is done orally and through the use of point of  
13 sale materials and sampling of the product and  
14 referring to drink names.

15 Q. And since you have been involved with the  
16 brand, and Heaven Hill has been involved with the  
17 brand, can you estimate the number of impressions  
18 that have been created by Heaven Hill's -- just its  
19 traditional advertising efforts?

20 A. Well, with its traditional advertising,  
21 probably over a half a billion impressions.

22 Q. And is there any way to quantify the types  
23 of impressions you've made with some of these other  
24 non-traditional advertising methods?

25 A. It's extremely difficult to quantify it.

1 Extremely difficult to quantify it, yet I would think  
2 that we've added millions of other impressions in  
3 addition to what we can actually accurately estimate.

4 Q. Since Heaven Hill has owned this brand,  
5 can you give me an idea of how much it's spent on  
6 advertising and promoting the brand?

7 A. Over \$90 million.

8 Q. So if we could refer back to the exhibits  
9 now, I would like you to take a look at Exhibit 16.  
10 (Premarked Exhibit No. 16 was tendered to  
11 the witness.)

12 Can you identify what that is?

13 A. This is a book that shows a collection of  
14 articles from newspapers, trade journals, national  
15 magazines, WEBSites that contain references to  
16 Hpnotiq.

17 Q. And were these articles collected for this  
18 proceeding?

19 A. No. We maintain binder after binder of  
20 these references for normal business use.

21 Q. And was Heaven Hill involved in obtaining  
22 these references?

23 A. Yes. Much of it is due to our public  
24 relations efforts or the advertising and marketing of  
25 the brand name.

1           Q.       And so in all cases these references are  
2 due to your direct efforts or your P.R. firm or are  
3 some of these more organic in nature?

4           A.       Well, many of these are organic in nature  
5 in the sense that the brand has such recognition that  
6 when people talk about liqueurs or talk about fun  
7 drinks, they reference Hpnotiq.

8                 So it's indirectly due to branding efforts.

9           Q.       And how widely circulated are these  
10 publications?

11          A.       They are nationally circulated, and, in  
12 fact, globally circulated because many of those might  
13 be from global publications, but we also disseminate  
14 the information to our global partners so that  
15 everyone is aware of all the press the brand is  
16 getting.

17          Q.       So some of those are national  
18 publications.

19                 And you also mentioned newspapers and' --

20          A.       Yes. National publications, national  
21 trade publications, national newspapers, national  
22 WEBSites.

23          Q.       And in addition there are likely some  
24 regional or local publications in there, as well?

25          A.       Definitely, yes.

1 MR. WILLIAMS: I move for the admission of  
2 Exhibit 16.

3 (Exhibit No. 16 was offered into  
4 evidence.)

5 BY MR. WILLIAMS:

6 Q. Previously you testified that HpnotiQ is  
7 pronounced identically to the word hypnotic,  
8 H-Y-P-N-O-T-I-C, even though it uses the unique  
9 spelling, H-P-N-O-T-I-Q.

10 Are you aware of the HpnotiQ mark being  
11 mispronounced?

12 A. Yes. Sometimes it's pronounced as  
13 Hypnotique; sometimes it's just pronounced as "HPNO",  
14 without the full name, but, yes, it is mispronounced.

15 Q. And in addition to being mispronounced,  
16 are you aware of others misspelling HpnotiQ?

17 A. Yes, it's commonly misspelled hypnotiq  
18 with a "Y", H-Y-P-N-O-T-I-Q.

19 Q. Where have you seen these misspellings?

20 A. In press clippings in reference to the  
21 brand; in some of the publications that were  
22 discussed just a few minutes ago; in consumer  
23 correspondence; in people who are soliciting our  
24 business; business plans.

25 So it's consumers, it's journalists, it's

1 bloggers, it's vendors who are all misspelling the  
2 name.

3 Q. Now, if I could ask you to take a look at  
4 Exhibit 17.

5 (Premarked Exhibit No. 17 was tendered to  
6 the witness.)

7 Can you identify the items in this exhibit?

8 A. Yeah. This is an article from "Hamptons"  
9 magazine in 2008, and it shows a misspelling of  
10 Hpnotiq. It uses H-Y-P-N-O-T-I-Q.

11 Q. If you could look through there and tell  
12 me if you recognize any of the other ones or where  
13 these items may have come from?

14 A. O.K.

15 Here's one in "Wine Spectator", which is the  
16 foremost magazine -- or I should say one of the most  
17 popular magazines in the wine and spirits world, and  
18 they spelled Hpnotiq wrong there.

19 "Modern Luxury", which is a regional magazine in  
20 Washington, D.C., they spelled it with a "Y".

21 And an on-line post, it seems like, from  
22 "Satisfaction" magazine they spelled Hpnotiq wrong.

23 Just many, many articles from different media  
24 outlets that spell Hpnotiq, H-Y-P-N-O-T-I-Q.

25 MR. WILLIAMS: I move for the admission of

1 Exhibit 17.

2 (Exhibit No. 17 was offered into  
3 evidence.)

4 BY MR. WILLIAMS:

5 Q. Now, if we could take a look at Exhibit  
6 18.

7 (Premarked Exhibit No. 18 was tendered to  
8 the witness.).

9 Can you identify this exhibit?

10 A. Yes. This is a business proposal entitled  
11 "Partnership Opportunities Hpnotiq and the Style  
12 Network," and they spell Hpnotiq, H-Y-P-N-O-T-I-Q.

13 Q. So what is this document?

14 A. This is a solicitation of Hpnotiq's  
15 business or Hpnotiq's participation in some  
16 sponsorship opportunities that include on-air or  
17 voice over mentions of the brand, as well as event  
18 participation for the brand.

19 Q. So, in other words, the Style Network was  
20 soliciting Heaven Hill to pay the Style Network  
21 probably not an insignificant sum of money to promote  
22 the Hpnotiq brand, and yet they could not spell the  
23 brand.

24 Right?

25 A. Correct.

1 MR. WILLIAMS: I move for the admission of  
2 Exhibit 18.

3 (Exhibit No. 18 was offered into  
4 evidence.)

5 BY MR. WILLIAMS:

6 Q. If we can look at what I've labeled  
7 Exhibit 19.

8 (Premarked Exhibit No. 18 was tendered to  
9 the witness.)

10 Can you identify this exhibit?

11 A. Yeah. This is a proposal from E!  
12 Networks for HpnotiQ to participate in a party, and  
13 this proposal spells HpnotiQ H-Y-P-N-O-T-I-Q  
14 throughout.

15 Q. And did this particular promotion also  
16 include voice over identification of the mark?

17 A. Yes, this included -- yes, voice over  
18 identification of the mark.

19 MR. WILLIAMS: I move for the admission of  
20 Exhibit 19.

21 (Exhibit No. 19 was offered into  
22 evidence.)

23 BY MR. WILLIAMS:

24 Q. If we could take a look at what I've  
25 labeled as Exhibit 20.

1 (Premarked Exhibit No. 20 was tendered to  
2 the witness.)

3 Can you identify this exhibit?

4 A. Yes. This is an invitation that was  
5 printed by -- or I should say an advertisement  
6 invitation that was printed for a HpnotiQ event to be  
7 held in 2009, and the people that printed it  
8 misspelled HpnotiQ, spelling it H-Y-P-N-O-T-I-Q.

9 MR. WILLIAMS: I move for the admission of  
10 Exhibit 20.

11 (Exhibit No. 20 was offered into  
12 evidence.)

13 BY MR. WILLIAMS:

14 Q. Can you take a look at what I have labeled  
15 Exhibit 21.

16 (Premarked Exhibit No. 21 was tendered to  
17 the witness.)

18 Can you identify this exhibit?

19 A. Yes. This is a letter from -- or business  
20 letter from "Grace Ormonde Wedding Style", which is  
21 an extremely popular wedding magazine, and it has --  
22 they have misspelled HpnotiQ again, H-Y-P-N-O-T-I-Q,  
23 and the letter asks us to participate in advertising  
24 in their magazine in the Fall/Winter issues in 2009.

25 MR. WILLIAMS: I move for the admission of

1 Exhibit 21.

2 (Exhibit No. 21 was offered into  
3 evidence.)

4 BY MR. WILLIAMS:

5 Q. So in taking this into account, or doing  
6 both, what was out there is, I guess, relatively  
7 unsolicited media and business proposals that Heaven  
8 Hill has received over the years. It's fair to say  
9 that even with a lot at stake people tend to commonly  
10 misspell the Hpnnotiq mark as H-Y-P-N-O-T-I-Q.

11 A. It's fair to say. In fact, some of these  
12 were actual business partners at the time of the  
13 spelling.

14 Q. So some of these identities that were  
15 soliciting you was not a cold call for brand-new  
16 business; they were people that already were running  
17 advertising and promotions for Hpnnotiq liqueur?

18 A. Yes.

19 Q. If we could take a look at what I've  
20 labeled as Exhibit 22. I'm shifting gears just a  
21 little bit. You had mentioned earlier about Hpnnotiq  
22 being mentioned in songs.

23 (Premarked Exhibit No. 22 was tendered to  
24 the witness.)

25 Can you identify this exhibit?

1           A.       Yes. This is a list of songs and videos  
2 that contain references to the Hpnotiq liqueur.

3           Q.       And typically would Heaven Hill have paid  
4 for these references?

5           A.       No. Heaven Hill would not have paid for  
6 these references.

7           Q.       Then what do all of these unsolicited  
8 references signify to you?

9           A.       It would signify the popularity of the  
10 brand. In fact, a lot of these singers would  
11 incorporate the product into their videos, sing about  
12 the product, and reference the product, whether it be  
13 visually or orally in their performances, because of  
14 the popularity of the brand.

15                   MR. WILLIAMS: I move for the admission of  
16 Exhibit 22.

17                   (Exhibit No. 22 was offered into  
18 evidence.)

19 BY MR. WILLIAMS:

20           Q.       We've talked a lot about the traditional  
21 marketing Heaven Hill has used to promote its Hpnotiq  
22 liqueur and touched a little bit on less traditional  
23 methods that Heaven Hill has used.

24

25

1                   (Premarked Exhibit No. 23 was tendered to  
2 the witness.)

3           Can you take a look at what I've labeled as  
4 Exhibit 23 and identify it?

5           A.       Yes. It's an article discussing guerrilla  
6 marketing and entitled Guerrilla Drinks.

7           And it talks about how non-traditional methods  
8 of advertising and marketing can promote your brand.

9           Q.       Does it specifically refer to non-  
10 traditional techniques Heaven Hill has used to  
11 promote Hpnotiq liqueur?

12          A.       Yes.

13          Q.       And where is this in the article?

14          A.       On Page 24 it refers to Heaven Hill  
15 Distilleries and my director and her comments about  
16 Hpnotiq.

17          Q.       And what does the article discuss in  
18 regard to Heaven Hill's non-traditional techniques;  
19 what types of things are they engaged in?

20          A.       Talking about a "Hpnotiq experience,  
21 featuring Hpnotiq girls handing out samples of  
22 Signature Martinis," as well as incorporating the use  
23 of the D.J. in the brand and getting the D.J. to  
24 mention it throughout the night, to talk about the  
25 brand to the consumers. So what we call a shout-out

1 in the industry.

2 MR. WILLIAMS: I move for admission of  
3 Exhibit 23.

4 (Exhibit No. 23 was offered into  
5 evidence.)

6 BY MR. WILLIAMS:

7 Q. So can you give us a broader overview of  
8 these less traditional methods that Heaven Hill uses?

9 A. Yeah. They are such things as ambassador  
10 programs or field marketing representatives who use  
11 bar promotions or secret shopper promotions or buy  
12 drinks for every bar customer, shout-outs -- which  
13 means the D.J. that is playing the record at the club  
14 is talking about the brand and mentioning the brand  
15 and mentioning the product.

16 We also have Hpnotiq night school for girls'  
17 events throughout the United States where the brand  
18 is prominently displayed and prominently sampled, and  
19 other forms are celebrity seeding, influence or  
20 marketing. Any way to provide a way to build  
21 awareness of the brand name outside of traditional  
22 advertising.

23 Q. And you mentioned secret shopper  
24 promotions in connection with your ambassador and  
25 field marketing representative.

1           What is the secret shopper promotion?

2           A.       A secret shopper promotion is when a  
3 consumer that represents the brand goes into a bar  
4 and asks the bartender for a drink suggestion and if  
5 the bartender suggests orally the Hpnotiq name, or  
6 Hpnotiq brand, they are rewarded. So it's a way  
7 to -- an incentive for the bartender to talk about  
8 the brand and to promote the use of the brand.

9           Q.       And speaking of the brand itself and the  
10 awareness of it, can you take a look at what I've  
11 labeled Exhibit 24.

12                   (Premarked Exhibit No. 24 was tendered to  
13 the witness.)

14           Can you identify this exhibit.

15           A.       This is an article from "Indiana Business  
16 Magazine." It's a reprint through our press  
17 monitoring service, and it's from 2006. It discusses  
18 brand awareness, how to build brand awareness, the  
19 importance of a name or a trademark, and how names  
20 and trademarks can differentiate themselves in the  
21 consumer's mind.

22           Q.       Can you look at the bottom of Page 2 and  
23 onto Page 3, and describe or discuss how this talks  
24 about the marketing or the brand awareness of the  
25 Hpnotiq brand?

1           A.       Yes. This in particular discusses the use  
2 of optical art with the Hpnotiq brand -- optical art  
3 being a form of art that has a hypnotic effect to  
4 it -- that hypnotizes the consumer.

5           Q.       So this reference in here, then, is  
6 talking about how -- about the manner in which the  
7 Hpnotiq brand was tied to this hypnotic effect  
8 through the use of art?

9           A.       Yes.

10                  MR. WILLIAMS: I move for admission of  
11 Exhibit 24.

12                  (Exhibit No. 24 was offered into  
13 evidence.)

14                  (Premarked Exhibit No. 25 was tendered to  
15 the witness.)

16 BY MR. WILLIAMS:

17           Q.       Take a look at Exhibit 25. Can you  
18 identify this exhibit?

19           A.       Yeah, this exhibit is a sell sheet that  
20 lists celebrity events that Hpnotiq has participated  
21 in.

22           Q.       So this would be what you referred to  
23 above as celebrity seeding type activity?

24           A.       Yes. These are celebrity seeding type of  
25 activities, and the goal behind this is to create

1 word of mouth buzz and to make people aware of the  
2 brand through the use of Hpnnotiq name.

3 Q. And to follow-up on that some more, what  
4 type of costs are you talking about usually when you  
5 do celebrity seeding?

6 A. It's a very expensive endeavor. Much  
7 time, effort and money is spent in it in directly  
8 influencing the celebrity seeding. In fact, we  
9 actually had a celebrity seeding agency that worked  
10 for us, as well as the public relations agency.

11 MR. WILLIAMS: I move for admission of  
12 Exhibit 25.

13 (Exhibit No. 25 was offered into  
14 evidence.)

15 BY MR. WILLIAMS:

16 Q. Now, how does celebrity seeding relate to  
17 product placement; are they different things?

18 A. Well, celebrity seeding can be different.  
19 Product placement is -- celebrity seeding is getting  
20 the product into the hand of influencers, or  
21 celebrities, so they'll talk about the brand.

22 We don't hire spokespeople. So, we don't spend  
23 a lot of money on the celebrity seeding. Yet product  
24 placement is also the art of getting the product into  
25 movies, films, television shows, where it is seen by

1 consumers in the general populous.

2 Q. And is product placement an expensive  
3 endeavor, or is there a lot of variation in that?

4 A. For Hpnotiq, it is not an expensive  
5 endeavor because of the color and the name and the  
6 design of the product. It appears quite frequently  
7 in television shows. In fact, it still appears in  
8 several movies and several television shows to this  
9 day.

10 Q. I've got another rather bulky exhibit for  
11 you here labeled Exhibit Number 26.

12 (Premarked Exhibit No. 26 was tendered to  
13 the witness.)

14 Can you explain to me or identify what this  
15 exhibit is?

16 A. This is a book that contains public  
17 relations hits for Hpnotiq brand that are collected  
18 by our corporate communications department of Heaven  
19 Hill or our P.R. firm.

20 Q. And what time range do these documents  
21 cover?

22 A. 2007-2009.

23 Q. Now, are the documents in here separate  
24 and distinct from those that we talked about in the  
25 other bulky exhibit, Exhibit 16?

1           A.       Not completely. The documents were  
2 collected by Heaven Hill's P.R. firm to reflect the  
3 publicity from actions taken by the marketing  
4 department or Heaven Hill to promote the product.

5           The other exhibits represent media hits for the  
6 Hpnotiq mark collected by a clipping service. So  
7 there is some overlap. But a lot of this -- or a lot  
8 of these are organic in nature because they occurred  
9 without any effort from us but because of the  
10 popularity of the Hpnotiq product.

11          Q.       And the ones that you're talking about  
12 being organic in nature, you're referring back to  
13 Exhibit 16, the first exhibit that we entered?

14          A.       Yes.

15          Q.       Just so I'm clear. This exhibit here is  
16 tracking that your P.R. firm had done for you to show  
17 you the benefit of essentially what you're paying  
18 them to obtain publicity for, the Hpnotiq brand?

19          A.       Yes.

20                 MR. WILLIAMS: I move for the admission of  
21 Exhibit 26.

22                 (Exhibit No. 26 was offered into  
23 evidence.)

24                 BY MR. WILLIAMS:

25          Q.       Now if we could take a look at what I have

1       labeled Exhibit 27.

2                       (Premarked Exhibit No. 27 was tendered to  
3       the witness.)

4               Can you identify this exhibit.

5               A.       Yeah. This a sell sheet that lists the  
6       awards that Hpnnotiq has won.

7               Q.       Let's talk about some of these awards  
8       specifically.

9               What is the "Impact Hot Brand" award?

10              A.       The "Impact Hot Brand" award, which  
11       Hpnnotiq won in 2004 and 2006, is for significant new  
12       product because of the brand's outstanding  
13       performance in the year that it was launched -- that  
14       would be for 2004 -- and, then, for 2006, because the  
15       brand has continued in popularity and continues to  
16       grow, it was recognized as an established brand.

17              Q.       Now, you just referred to Hpnnotiq brand  
18       being launched in 2004.

19              Are you referring to when Heaven Hill launched  
20       its big campaign to grow the brand?

21              A.       Yes.

22              Q.       And what is the "Adams Growth Brand"  
23       award?

24              A.       "Adams Growth Brand" award is an award  
25       that identifies the fastest growing brands of the

1 year, and Hpnotiq won it in 2003 and 2004.

2 Q. So, then, these awards here are largely  
3 documenting the tremendous phenomena that Hpnotiq was  
4 when it really hit the mainstream market and Heaven  
5 Hill started investing heavily in promoting the  
6 brand?

7 A. Yes.

8 Q. And it's at this time that it had a lot of  
9 buzz and really started to achieve the marketplace  
10 recognition that it holds now?

11 A. Yes.

12 MR. WILLIAMS: I move for the admission of  
13 Exhibit 27.

14 (Exhibit No. 27 was offered into  
15 evidence.)

16 BY MR. WILLIAMS:

17 Q. So, then, when we kind of look back at the  
18 overview of all the marketing efforts and, you know,  
19 the \$90 million that Heaven Hill has spent in  
20 promoting this brand to drive these sales that in the  
21 last year that we have data for was around  
22 \$150 million at the retail level, is it fair to say  
23 that Heaven Hill's goal is to create a word of mouth  
24 buzz so that people just hear about the Hpnotiq drink  
25 and it is something that leaps to their mind when

1 they are thinking of what they want to drink or when  
2 ~~the~~<sup>they</sup> hear terms related to hypnotism?

3 A. Yeah. We want people to hear the Hpnotiq  
4 name and we want people to order the product saying  
5 they want Hpnotiq.

6 Q. Now, are you familiar with the applicant,  
7 Diallo Yassinn Patrice?

8 A. Only in relations to this trademark  
9 situation.

10 Q. By this trademark situation, you mean his  
11 attempts to register the Hypnotizer mark, not just  
12 this one proceeding?

13 A. Yes.

14 Q. So right now you're aware that in the  
15 United States, Mr. Diallo is currently seeking to  
16 register Hypnotizer as a trademark for: Alcoholic  
17 beverage produced from a brewed malt base with  
18 natural flavors, alcoholic beverages of fruit,  
19 alcoholic fruit extracts, alcoholic malt coolers,  
20 alcoholic punch, cachaca, cognac, distilled spirits,  
21 fruit wine, gin, hard cider, natural sparkling wines,  
22 prepared alcoholic cocktails, prepared wine  
23 cocktails, rum, sparkling fruit wine, sparkling grape  
24 wine, sparkling wines, tequila, vodka, whiskey, wine  
25 coolers, and wines?

1 A. Yes.

2 Q. If you could, please take a look at the  
3 exhibit that I have labeled as Exhibit 33.

4 (Premarked Exhibit No. 33 was tendered to  
5 the witness.)

6 What is this?

7 A. This is a printout from dictionary.com of  
8 the word hypnotize.

9 Q. Can you spell the pronunciation guide for  
10 hypnotize for the record?

11 A. It is H-I-P, N-U-H, T-A-H-Y-Z.

12 Q. And could you read definition four for the  
13 record?

14 A. "To practice hypnosis; put or be able to  
15 put others into a hypnotic state."

16 Q. So it's clear that the term hypnotize, in  
17 at least one sense, relates to the ability to put  
18 others into a hypnotic state?

19 A. Yes.

20 MR. WILLIAMS: I move for admission of  
21 Exhibit 33.

22 (Exhibit No. 33 was offered into  
23 evidence.)

24 BY MR. WILLIAMS:

25 Q. Now, if you could take a look at what I've

1       labeled Exhibit 32.

2                       (Premarked Exhibit No. 32 was tendered to  
3       the witness.)

4               And what is this exhibit?

5               A.       This is a printout of dictionary.com for  
6       the word hypnotic.

7               Q.       Could you spell the pronunciation guide  
8       for hypnotic?

9               A.       It is H-I-P, N-O-T, I-K.

10              Q.       And could you read definition one and two  
11      for the record?

12              A.       Definition one: "Of or pertaining to  
13      hypnosis or hypnotism."

14              Definition two: "Inducing or like something  
15      that induces hypnosis."

16              Q.       So based on your experience with Heaven  
17      Hill's HpnotiQ mark, do consumers also associate  
18      Heaven Hill's HpnotiQ mark with the terms hypnotic,  
19      hypnosis and hypnotism?

20              A.       Yes.

21              Q.       Based on the pronunciation guides you have  
22      just reviewed and your knowledge of the common  
23      pronunciation of Heaven Hill's mark, are Heaven  
24      Hill's HpnotiQ mark and Mr. Diallo's Hypnotizer mark  
25      similar in sound?

1 A. Yes.

2 Q. In what manner are they similar?

3 A. In particular the first syllables are  
4 identical, and the second syllables are quite similar  
5 in that neither includes a long "O". Both are more  
6 in the range of a nuh, hip-nuh-otic sound.

7 Q. When did you first become aware of Mr.  
8 Diallo's intent to use the mark Hypnotizer in  
9 connection with alcoholic beverages?

10 A. Early 2005.

11 Q. What caused you to become aware of Mr.  
12 Diallo's intent to use the Hypnotizer mark so long  
13 ago, considering that the application being opposed  
14 was only filed in August of 2007?

15 A. In 2005, we became aware that Mr. Diallo  
16 had obtained the registration for the Hypnotizer mark  
17 in France, and that he was looking to register in  
18 Germany, United Kingdom, and the United States.

19 Q. And this registration in France involved  
20 alcoholic beverages?

21 A. Yes.

22 Q. And previously you testified that Heaven  
23 Hill's HpnotiQ liqueur received a number of awards  
24 related to its phenomenal initial growth once Heaven  
25 Hill had acquired the brand in the 2003-2004 calendar

1 years.

2 Are you of the opinion that this would have had  
3 anything to do with Mr. Diallo's decision in early  
4 2005 to adopt the mark Hypnotizer for beverage  
5 alcohol products?

6 A. Yes. Because of the popularity, the  
7 familiarity of Hpnotiq, and building on that brand  
8 equity and brand recognition, Hypnotizer would easily  
9 be sold according to confusion, I think.

10 Q. So, in other words, you think he saw  
11 Hpnotiq as being the hot brand at the time and  
12 decided that the mark Hypnotizer was close enough to  
13 be able to essentially ride the coattails of Heaven  
14 Hill's goodwill?

15 A. Yes.

16 Q. Upon learning of these prior registrations  
17 and applications by Mr. Diallo, what did Heaven Hill  
18 do?

19 A. Well, we successfully challenged his  
20 registration in France and his United Kingdom and  
21 Germany applications.

22 Q. If you could take a look at the documents  
23 that I have labeled Exhibit 28.

24 (Premarked Exhibit No. 28 was tendered to  
25 the witness.)

1 Do you recognize this exhibit?

2 A. Yeah, this is a document in French, and it  
3 is from the Fourth Chamber -- Court of Appeals of  
4 Paris, Fourth Appellate Division, and it's a decision  
5 and translation of our challenge of Diallo.

6 Q. And the result of this decision was that  
7 he lost the right to use the Hypnotizer mark with  
8 alcoholic beverages in France?

9 A. Yes.

10 MR. WILLIAMS: I move for admission of  
11 Exhibit 28.

12 (Exhibit No. 28 was offered into  
13 evidence.)

14 BY MR. WILLIAMS:

15 Q. If you could take a look at Exhibit 29.

16 (Premarked Exhibit No. 29 was tendered to  
17 the witness.)

18 Do you recognize this exhibit?

19 A. Yeah, this is the decision in the matter  
20 of Diallo's application to register the trademark  
21 Hypnotizer in the United Kingdom, and it shows our  
22 successful challenge of that.

23 Q. And so if you could look at what's labeled  
24 Page 19 of 20 to that exhibit.

25 A. O.K.

1           Q.       There is an Item Number 33 on that page,  
2           and what does that item provide?

3           A.       "Heaven Hill succeeds in its ground of  
4           opposition under Section 5(2)(b) of the Act and the  
5           application is refused in its entirety."

6           Q.       So, essentially, it's saying that Heaven  
7           Hill prevailed in its opposition to his attempt to  
8           register -- his being Mr. Diallo's -- attempt to  
9           register Hypnotizer for use with alcoholic beverages  
10          in the U.K.?

11          A.       Right.

12                   MR. WILLIAMS: I move for admission of  
13          Exhibit 29.

14                   (Exhibit No. 29 was offered into  
15          evidence.)

16          BY MR. WILLIAMS:

17           Q.       Now, if Heaven Hill's HpnotiQ product and  
18           Mr. Diallo's Hypnotizer product were available in the  
19           same off-premise outlets, would Mr. Diallo's  
20           Hypnotizer goods be sold in close proximity to Heaven  
21           Hill's HpnotiQ goods?

22           A.       Yes, definitely. They could be on the  
23           shelf next to each other.

24           Q.       And in such off-premise outlets, do  
25           consumers have occasion to make oral requests for

1 products, including in this case they would have to  
2 request the parties' respective products orally?

3 A. In particular, for Hpnotiq there are  
4 several occasions that they must request Hpnotiq by  
5 name, in particular, because Hpnotiq is displayed  
6 throughout the store in different locations. For  
7 example, Hpnotiq might be presented in a lockbox,  
8 which is a locked display in the store that only the  
9 store personnel could open, or it might be displayed  
10 behind the counter, where the consumer would have to  
11 again ask a store personnel for the bottle.

12 So whether it be grocery stores or a liquor  
13 store, Hpnotiq, because of its popularity, is held in  
14 such locations so that the consumer has to ask for  
15 the product by name.

16 Q. And alcoholic beverages, being such a  
17 regulated industry, would Mr. Diallo's Hypnotizer  
18 goods travel through the same channel of trades as  
19 Heaven Hill's Hpnotiq product to get to the end  
20 consumer?

21 A. Yeah. Because of the three-tier system in  
22 the United States, they would have to go through the  
23 same -- or possibly the same distributor, as well as  
24 be sold in the same store, and because of the way the  
25 products are arranged on shelves, sometimes by

1 mandate, yes, they would be through the same channels  
2 and even in the same retail space.

3 Q. Now, if Heaven Hill's Hpnotiq product and  
4 Mr. Diallo's Hypnotizer product were available in the  
5 same on-premise venues, would the parties' respective  
6 products tend to be promoted and ordered orally?

7 A. Most definitely. The products could be  
8 displayed next to each other behind the bar, but the  
9 consumer has to ask the bartender for the product.  
10 So the consumer must order the product by name.

11 Q. And how do bartenders and waitstaff at  
12 these type of premises tend to promote or suggest  
13 drinks to consumers?

14 A. They suggest by -- orally, and many times  
15 they refer to drink names, like Hypnotizer or the  
16 Hypnotize Martini or HPNO-Rita, which refer to a  
17 product.

18 Q. As a marketing professional, what audience  
19 do you believe Mr. Diallo intends to target with his  
20 Hypnotizer products?

21 A. I think he intends to target the same  
22 target audience that Hpnotiq intends to target.

23 Q. And why do you believe that?

24 A. He wants to build on any possible  
25 confusion that might be created when someone orders

1 Hpnnotiq, to order Hypnotizer product, as well as  
2 build on the popularity of the Hpnnotiq brand.

3 Q. And so the choice of a name like  
4 Hypnotizer you believe would be viewed in a lot of  
5 respects with the same connotation that consumers  
6 view the Hpnnotiq mark?

7 A. Yes.

8 Q. Are you aware of any actual confusion that  
9 has occurred between Heaven Hill's Hpnnotiq product  
10 and Mr. Diallo's Hypnotizer product?

11 A. No.

12 Q. And does that surprise you?

13 A. No, because he's only applied -- his  
14 application is based on intent, and he has not used  
15 the mark on an actual product, to my knowledge.

16 Q. And has Heaven Hill conducted any surveys  
17 to establish that consumers are likely to be confused  
18 by Mr. Diallo's proposed use of the Hypnotizer mark  
19 in connection with alcoholic beverages?

20 A. No. Conducting a reliable survey is an  
21 expensive proposition, and we didn't think it was  
22 necessary because there is a high degree of  
23 similarity between Hypnotizer and Hpnnotiq. And quite  
24 frankly, the expense of litigating the situation has  
25 been great and incurring more costs can diminish our

1 ability to spend on other marketing activities.

2 Q. And based on your experience and expertise  
3 in the marketing of beverage alcohol products, do you  
4 have an opinion as to whether Mr. Diallo's proposed  
5 use of the Hypnotizer mark on these products will  
6 harm Heaven Hill?

7 A. Yes.

8 Q. What is that opinion?

9 A. His proposed use of Hypnotizer will likely  
10 cause confusion among consumers of Heaven Hill's  
11 current Hpnotiq product, as well as cause them to  
12 think that it is actually an extension of the product  
13 that already exists.

14 Q. And why do you hold this opinion?

15 A. Because of the way that products are  
16 marketed in the alcohol industry, the similar  
17 spelling of the name, with the fact that products are  
18 ordered orally, that much of what drives product  
19 success is based on word of mouth and brand  
20 recognition. So the connotation of the marks are  
21 very, very similar, and I think he wants to use the  
22 same brand attributes that exist for Hpnotiq that has  
23 been created by Heaven Hill Distilleries.

24 MR. WILLIAMS: I think we may be done.  
25 Can we go off the record for a minute.

(DISCUSSION OFF THE RECORD.)

MR. WILLIAMS: This will conclude the  
deposition of Mr. Ames.

(Deposition concluded at 1:43 p.m.)

JUSTIN AMES

1 STATE OF KENTUCKY )  
2 ) SS: ERRATA  
3 COUNTY OF JEFFERSON )  
4  
5

6 I HAVE READ THE FOREGOING PAGES, AND THE  
7 STATEMENTS CONTAINED THEREIN (SUBJECT TO CORRECTIONS,  
8 ADDITIONS AND DELETIONS CONTAINED IN THE ADDENDUM  
9 ANNEXED HERETO, IF ANY), AND THEY ARE TRUE AND  
10 CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
11  
12  
13

14 \_\_\_\_\_  
JUSTIN AMES  
15  
16

17 SUBSCRIBED AND SWORN TO BEFORE ME BY  
18 \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF  
19 \_\_\_\_\_, 2010.  
20

21 MY COMMISSION EXPIRES: \_\_\_\_\_  
22  
23

24 \_\_\_\_\_  
NOTARY PUBLIC  
25

1 STATE OF KENTUCKY )

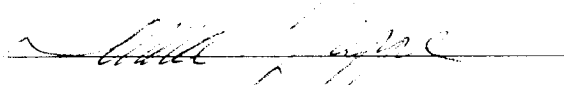
2 ) SS:

3 COUNTY OF JEFFERSON )

4  
5 I, DONNA CHUPPE, A NOTARY PUBLIC, STATE  
6 AND COUNTY AFORESAID, DO HEREBY CERTIFY THAT THE  
7 ABOVE AND FOREGOING IS A TRUE, CORRECT AND COMPLETE  
8 TRANSCRIPT OF THE DEPOSITION OF JUSTIN AMES TAKEN AT  
9 THE LAW OFFICES OF WYATT, TARRANT & COMBS, 2800 PNC  
10 PLAZA, 500 WEST JEFFERSON STREET, LOUISVILLE,  
11 KENTUCKY, ON JANUARY 22, 2010, AT APPROXIMATELY 9:12  
12 A.M. FOR THE PURPOSE SET OUT IN THE CAPTION HEREOF;  
13 THAT THE WITNESS WAS DULY SWORN BY ME BEFORE GIVING  
14 TESTIMONY; THAT THE SAID DEPOSITION WAS TAKEN BY ME  
15 STENOGRAPHICALLY AND AFTERWARDS TRANSCRIBED UNDER MY  
16 DIRECTION; THAT THE APPEARANCES WERE AS SET OUT IN  
17 THE CAPTION HEREOF REFLECTING THAT MR. DIALLO WAS NOT  
18 PRESENT.

19 GIVEN UNDER MY HAND AS NOTARY PUBLIC AFORESAID,  
20 THIS 30TH DAY OF JANUARY, 2010.

21 MY COMMISSION EXPIRES: SEPTEMBER 29, 2013.

22  
23   
24 DONNA CHUPPE  
25 NOTARY PUBLIC AND COURT REPORTER  
NOTARY NUMBER: 401616

**CHUPPE SOERGER & ABELL, LLC**

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2950 Breckenridge Lane, Ste. 11 A  
Louisville, KY 40220  
502.637.8500 800.330.4098  
EMAIL: [info@kydepo.net](mailto:info@kydepo.net)

**ERRATA SHEET**

Style: HEAVEN HILL DISTILLERIES, INC. vs. DIALLO YASSINN PATRICE  
Case No.: Opposition No. 91183753; Serial No. 77/266,196; Mark: HYPNOTIZER  
Intl Class: 033

After having read my deposition, I wish to make the following changes:

Page: 39 Line: 12  
Change: Quantro to Cointreau  
Reason for change: misspelled

Page: 55 Line: 19  
Change: scating to seeding  
Reason for change: misspelled

Page: 57 Line: 23  
Change: scating to seeding  
Reason for change: misspelled

Page: 57 Line: 24  
Change: seating to seeding  
Reason for change: misspelled

Page: 58 Line: 5  
Change: seating to seeding  
Reason for change: misspelled

I am therefore signing my deposition conditioned on the fact the above noted shall be entered upon the deposition.

\_\_\_\_\_  
Signature of Deponent

Subscribed and sworn to before me by: \_\_\_\_\_  
This \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Signature of Notary Public

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Case No.: Opposition No. 91183753; Serial No. 77/266,196; Mark: HYPNOTIZER  
Intl Class: 033

After having read my deposition, I wish to make the following changes:

Page: 58 Line: 8  
Change: seating to seeding  
Reason for change: misspelled

Page: 58 Line: 9  
Change: seating to seeding  
Reason for change: misspelled

Page: 58 Line: 16  
Change: seating to seeding  
Reason for change: misspelled

Page: 58 Line: 18  
Change: seating to seeding  
Reason for change: misspelled

Page: 58 Line: 19  
Change: seating to seeding  
Reason for change: misspelled

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Intl Class: 033

After having read my deposition, I wish to make the following changes:

Page: 58 Line: 23  
Change: seating to seedling  
Reason for change: misspelled

Page: 67 Line: 5  
Change: alcoholic to alcohol  
Reason for change: misspelled

Page: \_\_\_\_\_ Line: \_\_\_\_\_  
Change: \_\_\_\_\_  
Reason for change: \_\_\_\_\_

Page: \_\_\_\_\_ Line: \_\_\_\_\_  
Change: \_\_\_\_\_  
Reason for change: \_\_\_\_\_

Page: \_\_\_\_\_ Line: \_\_\_\_\_  
Change: \_\_\_\_\_  
Reason for change: \_\_\_\_\_

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\_\_\_\_\_  
Signature of Deponent

Subscribed and sworn to before me by: \_\_\_\_\_  
This \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
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Case No.: Opposition No. 91183753; Serial No. 77/266,196; Mark: HYPNOTIZER  
Intl Class: 033

After having read my deposition, I wish to make the following changes:

Page: 8 Line: 7  
Change: Lida to Lajda  
Reason for change: Misspelled

Page: 13 Line: 3  
Change: the to this  
Reason for change: Misspelled

Page: 14 Line: 13  
Change: That's definitely the goal is what to that's definitely the goal. It is what  
Reason for change: transcribed incorrectly

Page: 15 Line: 9  
Change: probable to tropical  
Reason for change: Transcribed incorrectly

Page: 48 Line: 24  
Change: H-Y-P-N-O-T-I-Z-E TO H-Y-P-N-O-T-I-Z-E  
Reason for change: transcribed incorrectly

I am therefore signing my deposition conditioned on the fact the above noted shall be entered upon the deposition.

\_\_\_\_\_  
Signature of Deponent

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This \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Signature of Notary Public

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Case No.: Opposition No. 91183753; Serial No. 77/266,196; Mark: HYPNOTIZER  
Intl Class: 033

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Page: 59 Line: 19  
Change: Hill, or to Hill or (no comma)  
Reason for change: Transcribed incorrectly

Page: \_\_\_\_\_ Line: \_\_\_\_\_  
Change: \_\_\_\_\_  
Reason for change: \_\_\_\_\_

Page: \_\_\_\_\_ Line: \_\_\_\_\_  
Change: \_\_\_\_\_  
Reason for change: \_\_\_\_\_

Page: \_\_\_\_\_ Line: \_\_\_\_\_  
Change: \_\_\_\_\_  
Reason for change: \_\_\_\_\_

Page: \_\_\_\_\_ Line: \_\_\_\_\_  
Change: \_\_\_\_\_  
Reason for change: \_\_\_\_\_

I am therefore signing my deposition conditioned on the fact the above noted shall be entered upon the deposition.

Justin S. Ames  
Signature of Deponent

Subscribed and sworn to before me by: Justin Ames  
This 5 day of March, 2010.

Tammy L. Johnson Exp: April 25, 2013  
Signature of Notary Public

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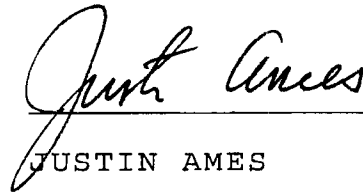
JUSTIN AMES

STATE OF KENTUCKY )

) SS: ERRATA

COUNTY OF JEFFERSON )

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STATEMENTS CONTAINED THEREIN (SUBJECT TO CORRECTIONS,  
ADDITIONS AND DELETIONS CONTAINED IN THE ADDENDUM  
ANNEXED HERETO, IF ANY), AND THEY ARE TRUE AND  
CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.


  
JUSTIN AMES

SUBSCRIBED AND SWORN TO BEFORE ME BY

Justin Ames THIS 12<sup>th</sup> DAY OF

April, 2010.

MY COMMISSION EXPIRES: April 25, 2013.

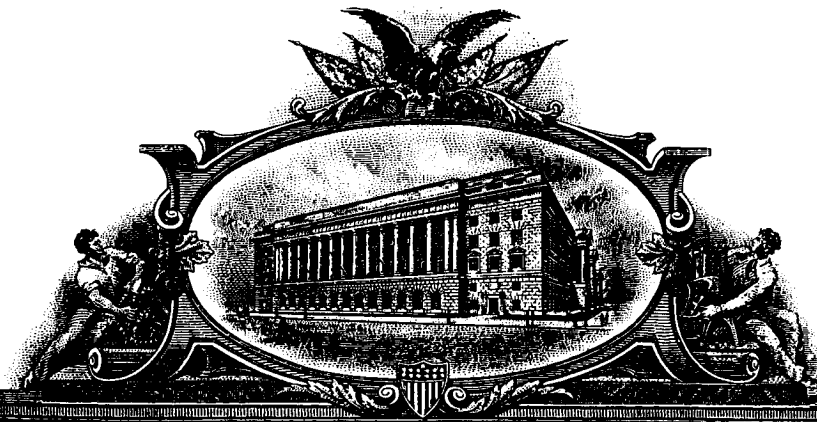
  
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Exp. 4.25.13

***Heaven Hill Distilleries, Inc. vs. Yassin Patrice Diallo***  
**Opposition No. 91183753**

**Trial Testimony Deposition Exhibits**  
**J. Ames (Volume 1; Nos. 1-31)**

7217892



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United States Patent and Trademark Office

December 28, 2009

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SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

*HEAVEN HILL DISTILLERIES, INC.*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office

M. TARVER  
Certifying Officer



Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

**United States Patent and Trademark Office**

**Reg. No. 2,642,855**

**Registered Oct. 29, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**HPNOTIQ**

GLOBAL PERSPECTIVES, INC. (NEW YORK  
CORPORATION)  
108-50 62ND DRIVE  
FOREST HILLS, QUEENS, NY 11375

FIRST USE 9-0-2001; IN COMMERCE 9-0-2001.

SER. NO. 76-372,289, FILED 2-20-2002.

FOR: LIQUEUR, IN CLASS 33 (U.S. CLS. 47 AND  
49).

YSA DEJESUS, EXAMINING ATTORNEY



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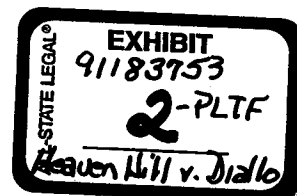
*HEAVEN L DISTILLERIES, INC.  
A KENTUCKY CORPORATION*

By Authority of the

Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office



M. TARVER  
Certifying Officer



Int. Cl.: 33

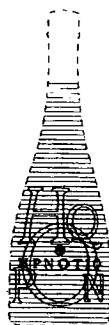
Prior U.S. Cls.: 47 and 49

**United States Patent and Trademark Office**

**Reg. No. 2,822,475**

**Registered Mar. 16, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**



HEAVEN HILL DISTILLERIES, INC. (KENTUCKY CORPORATION)  
1064 LORETTO ROAD  
P.O. BOX 729  
BARDSTOWN, KY 40004, BY ASSIGNMENT GLOBAL PERSPECTIVES, INC. (NEW YORK CORPORATION) FOREST HILLS, NY 11375

THE DRAWING IS LINED FOR THE COLOR BLUE.

THE DOTTED LINES IN THE DRAWING INDICATE THE PLACEMENT OF THE MARK ON THE CONTAINER FOR THE GOODS.

FOR: LIQUEUR, IN CLASS 33 (U.S. CLS. 47 AND 49).

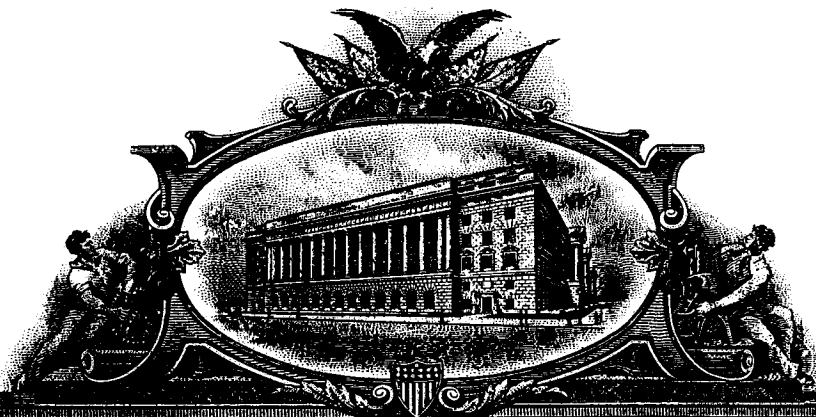
SEC. 2(F).

FIRST USE 9-0-2001; IN COMMERCE 9-0-2001.

SER. NO. 76-463,356, FILED 10-31-2002.

OWNER OF U.S. REG. NO. 2,642,855.

ZACHARY BELLO, EXAMINING ATTORNEY



# THE UNITED STATES OF AMERICA

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**REGISTERED FOR A TERM OF 10 YEARS FROM *April 20, 2004***

**SAID RECORDS SHOW TITLE TO BE IN:**

*Registrant*

**By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office**

*M. Tarver*

**M. TARVER  
Certifying Officer**



Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

**United States Patent and Trademark Office**

**Reg. No. 2,834,130**

**Registered Apr. 20, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**

**HPNOTIQ**

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TUCKY CORPORATION)  
1064 LORETTO ROAD  
P.O. BOX 729  
BARDSTOWN, KY 40004

FIRST USE 2-7-2003; IN COMMERCE 2-7-2003.

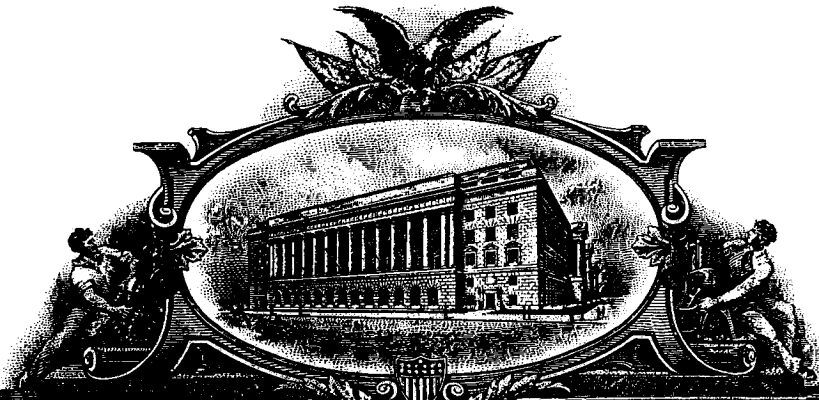
OWNER OF U.S. REG. NO. 2,642,855.

SER. NO. 76-519,684, FILED 5-19-2003.

FOR: CLOTHING, NAMELY, SHIRTS, IN CLASS  
25 (U.S. CLS. 22 AND 39).

CAROLINE WOOD, EXAMINING ATTORNEY

7217892



# THE UNITED STATES OF AMERICA

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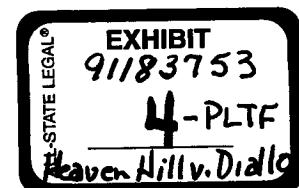
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M. TARVER  
Certifying Officer



**Int. Cls.: 4 and 21**

**Prior U.S. Cls.: 1, 2, 6, 13, 15, 23, 29, 30, 33, 40 and 50**

**United States Patent and Trademark Office**

**Reg. No. 2,834,133**

**Registered Apr. 20, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**

**HPNOTIQ**

HEAVEN HILL DISTILLERIES, INC. (KENTUCKY CORPORATION)  
1064 LORETTO ROAD, P.O. BOX 729  
BARDSTOWN, KY 40004

FOR: CANDLES, IN CLASS 4 (U.S. CLS. 1, 6 AND 15).

FIRST USE 5-2-2003; IN COMMERCE 5-2-2003.

FOR: BEVERAGE GLASSWARE , IN CLASS 21  
(U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

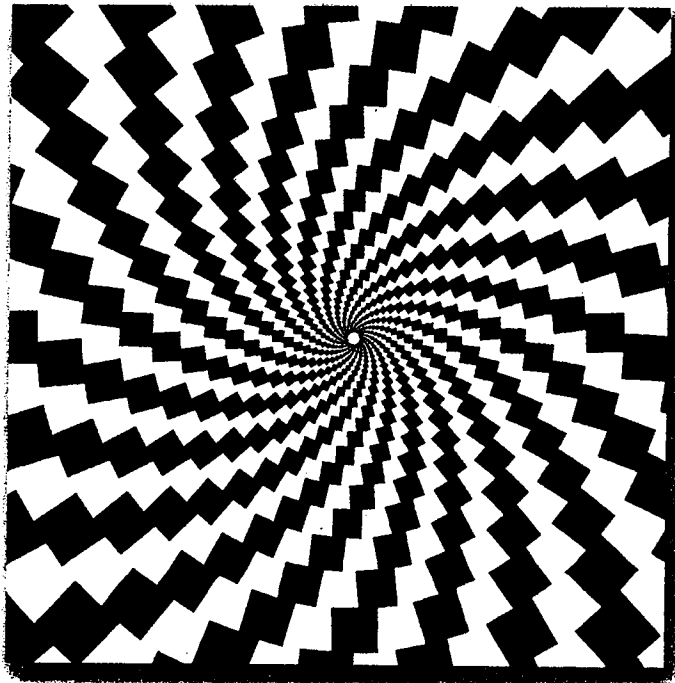
FIRST USE 3-23-2003; IN COMMERCE 3-23-2003.

OWNER OF U.S. REG. NO. 2,642,855.

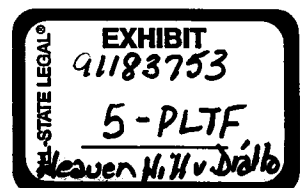
SER. NO. 76-519,929, FILED 5-23-2003.

CAROLINE WOOD, EXAMINING ATTORNEY

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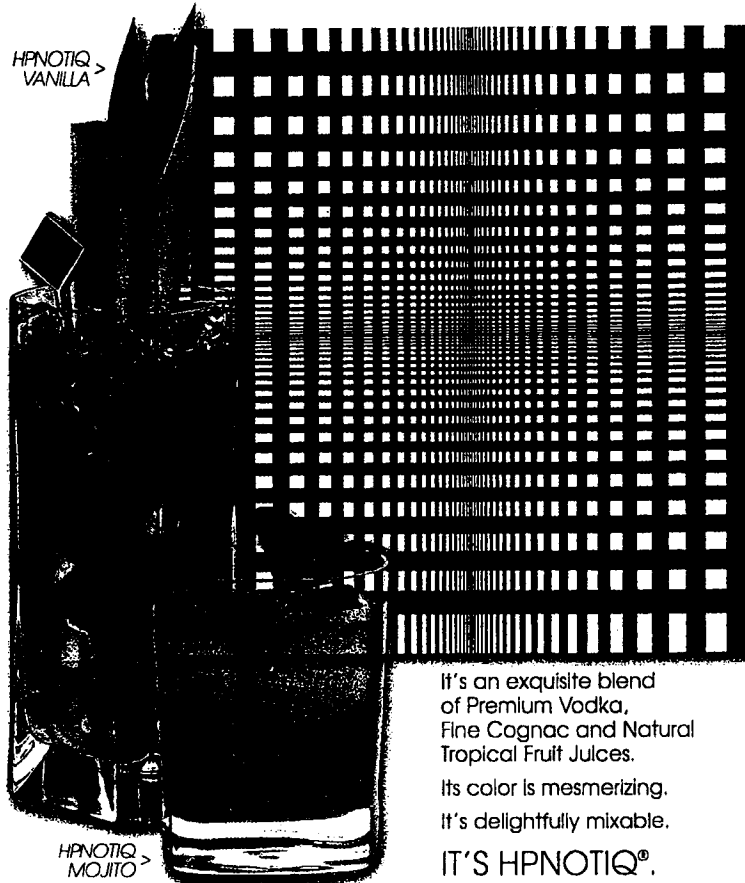


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### HPNO~Tini

2 oz. HPNOTIQ

1 oz. super premium vodka

Splash of lemon juice

Shake well, strain into a martini glass.

Garnish with a lemon, lime twist or  
star fruit slice.

### HPNOTIQ Breeze

1 oz. HPNOTIQ

1/2 oz. super premium coconut rum

Splash of pineapple juice

Shake well or blend.

Pour into a rocks or hurricane glass.

Garnish with a pineapple wedge.

### HPNOTIQ Mimosa (Hpnosia)

2 oz. HPNOTIQ

2 oz. Champagne

Pour chilled HPNOTIQ and  
Champagne into a Champagne flute.

Garnish with a lemon twist  
or orange wheel.

# MYSTIQ MARTINIS

## The Blue Fin Martini

1 oz. HPNOTIQ®  
2 oz. super premium citrus vodka  
Splash of white cranberry juice  
Shake with ice, pour into an old-fashioned glass. Garnish with a Swedish Fish.

*The Blue Fin - W Hotel, NYC*

## HPNOTIQ Cosmo

2 oz. HPNOTIQ  
1 oz. super premium citrus vodka  
Splash of white cranberry juice  
Shake with ice, strain into a chilled martini glass. Garnish with a lemon or lime twist.

## HPNOTIQ Caramel Applefoni

1 oz. HPNOTIQ  
2 oz. sour apple liqueur  
1/2 oz. butter schnapps  
Shake with ice, strain into a martini glass. Garnish with a lemon twist.

## The Blue Grotto

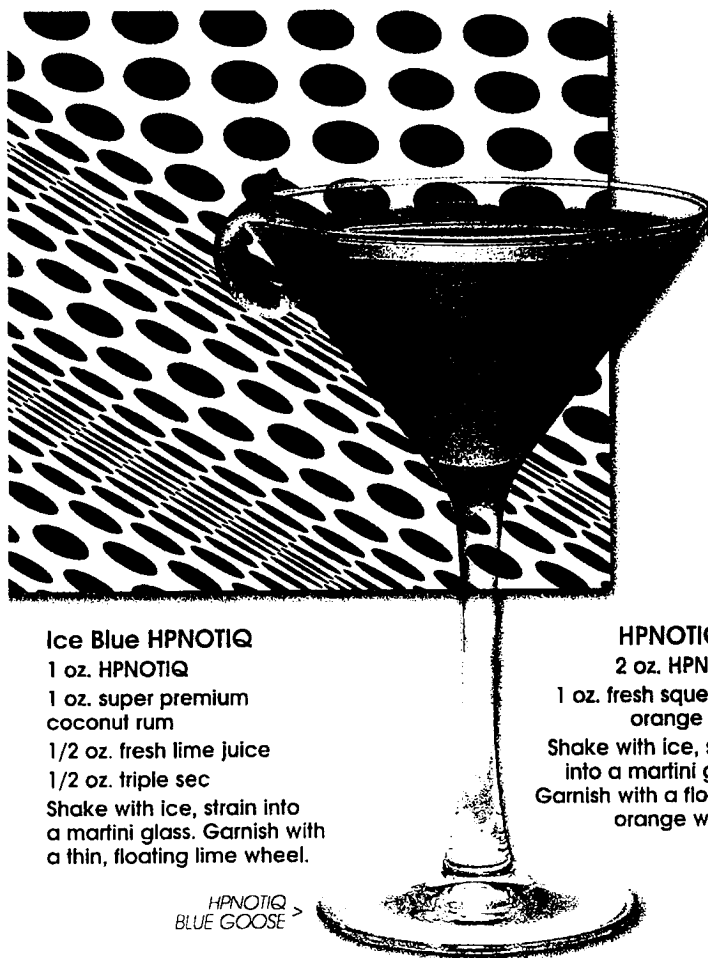
1 oz. HPNOTIQ  
2 oz. super premium gin  
Shake with ice, strain into a martini glass. Garnish with a star fruit slice.

## HPNOTIQ Cotton Candy

2 oz. HPNOTIQ  
1 oz. super premium vodka  
1 oz. sugar water  
Shake with ice, strain into a martini glass. Garnish with a lemon twist.  
*Touches OP - KS*

## HPNOTIQ Blue Goose

2 oz. HPNOTIQ  
1 oz. Grey Goose® Vodka  
Splash of pineapple juice  
Shake with ice, strain into a martini glass. Garnish with a lemon twist.



## Ice Blue HPNOTIQ

1 oz. HPNOTIQ  
1 oz. super premium coconut rum  
1/2 oz. fresh lime juice  
1/2 oz. triple sec  
Shake with ice, strain into a martini glass. Garnish with a thin, floating lime wheel.

## HPNOTIQ~O

2 oz. HPNOTIQ  
1 oz. fresh squeezed orange juice  
Shake with ice, strain into a martini glass. Garnish with a floating orange wheel.

# MYSTIQ MARTINIS

## HPNOTIQ® Sake

2 oz. HPNOTIQ  
2 oz. cold sake  
Splash of pineapple juice  
Shake with ice, strain into a martini glass. Garnish with a pineapple slice.

## Gorgeous Giselle's Bluebird

1 1/2 oz. HPNOTIQ  
1 1/2 oz. super premium coconut rum  
Splash of lime juice  
Shake with ice, strain into a coconut-rimmed martini glass.

## HPNOTIQ Jazzini

2 oz. HPNOTIQ  
1 oz. super premium vodka  
1/2 oz. white grape juice  
Shake with ice, strain into a martini glass. Garnish with a grape.

## HPNOTIQ Wet

2 oz. HPNOTIQ  
1 oz. Beefeaters Wet® Gin  
Shake with ice, strain into a martini glass. Garnish with a lemon and lime twist.

## HPNOTIQ Fuzzy

2 oz. HPNOTIQ  
1 oz. super premium vodka  
1 oz. peach schnapps  
Shake with ice, strain into a martini glass. Garnish with a lemon twist.  
*Touches OP - KS*

## Red, White, and HPNOTIQ Blue

2 oz. HPNOTIQ  
1 oz. super premium citrus vodka  
Splash of lemon-lime soda  
Grenadine  
Shake with ice, strain into a martini glass and slowly add a touch of grenadine. Garnish with chopped coconut.

## HPNOTIQ Melotini

1 oz. HPNOTIQ  
1/2 oz. super premium coconut rum  
1/2 oz. Midori®  
2 oz. margarita mix  
Shake well with ice and strain into a sugar-rimmed martini glass. Garnish with a lime wheel and cherry.

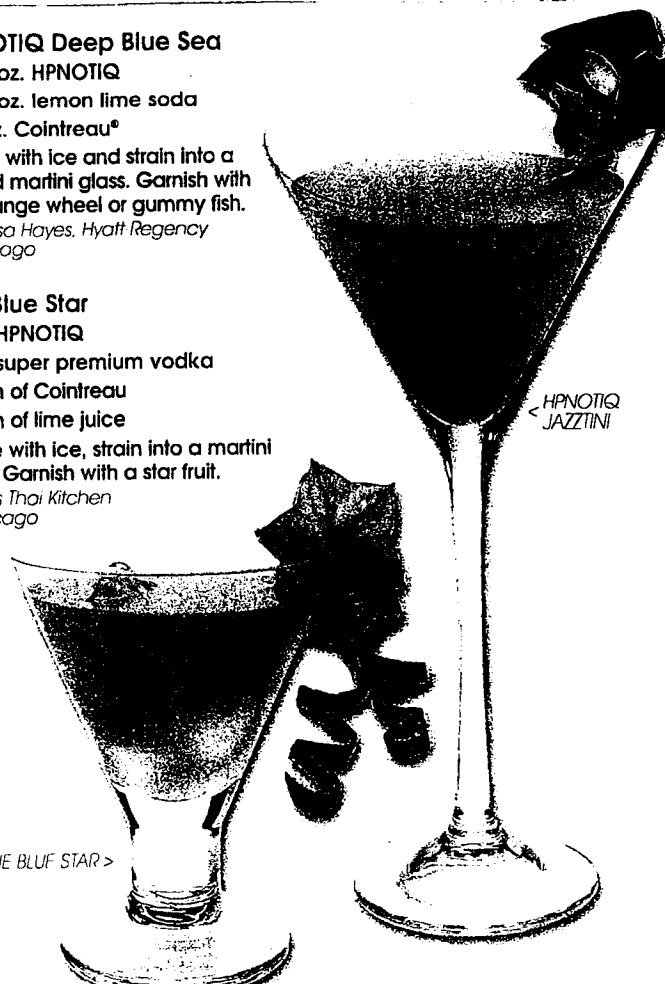
## HPNOTIQ Deep Blue Sea

1 1/2 oz. HPNOTIQ  
1 1/2 oz. lemon lime soda  
1/2 oz. Cointreau®  
Shake with ice and strain into a chilled martini glass. Garnish with an orange wheel or gummy fish.  
*Vanessa Hayes, Hyatt Regency  
- Chicago*

## The Blue Star

2 oz. HPNOTIQ  
2 oz. super premium vodka  
Splash of Cointreau  
Splash of lime juice  
Shake with ice, strain into a martini glass. Garnish with a star fruit.  
*Vong's Thai Kitchen  
- Chicago*

THE BLUE STAR >



# MYSTIQ MARTINIS

## HPNOTIQ® Sleeping Beauty

1/2 oz. HPNOTIQ  
1/2 oz. Bourbon  
1/2 oz. banana liqueur  
1/2 oz. grapefruit juice  
Shake well with ice and strain  
into a martini glass.  
Garnish with a cherry.

*Winning recipe in the Cocktail  
Competition 2004 held by N.B.A.  
~ Japan*

## HPNOTizer

2 oz. HPNOTIQ  
1/2 oz. triple sec  
1 oz. white cranberry juice  
Shake well, strain into a martini  
glass. Garnish with a lemon twist.

*Keith Saunders, Hotel Captain Cook  
~ Anchorage, AK*

## HPNO~Blue Sea

2 oz. HPNOTIQ  
1 oz. super premium  
vodka  
Shake well, strain into a  
martini glass. Top with  
whipped cream and an  
orange wheel.

## HPNOTIQ Water Grace

1/2 oz. HPNOTIQ  
1 oz. gin  
Splash of lemon juice  
Splash of peach syrup  
Shake well with ice and strain into  
a martini glass. Garnish with a  
peach slice.

*Winning recipe in the Cocktail  
Competition 2004 held by N.B.A.  
~ Japan*

## HPNOTIQ Swiss Alps

2 oz. HPNOTIQ  
2 oz. white crème de cacao  
Shake with ice and strain  
into a chilled martini glass.  
Garnish with white chocolate.

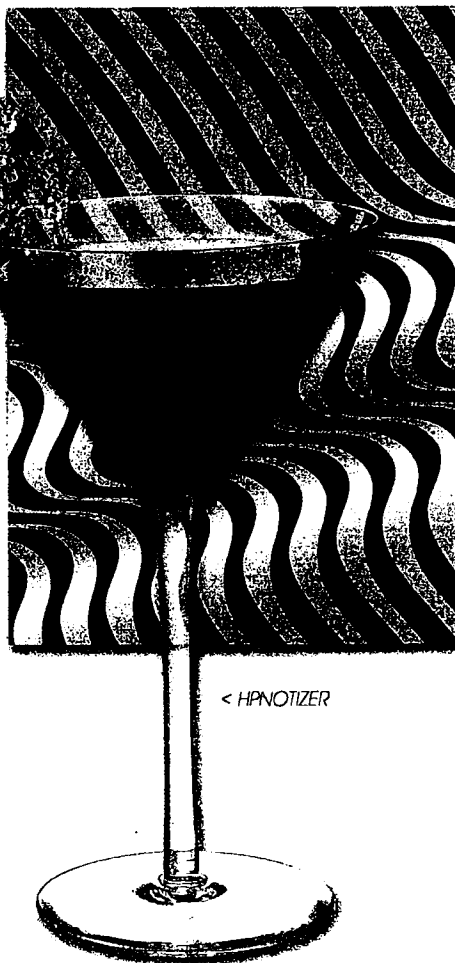
## Wild Blue HPNOTIQ

1 1/2 oz. HPNOTIQ  
3/4 oz. white cranberry juice  
1/2 oz. Cointreau®  
Shake with ice, strain into a  
martini glass. Garnish  
with a cherry.

## HPNOTIQ

Liquid Massage  
1 1/2 oz. HPNOTIQ  
1 1/2 oz. super premium  
orange vodka  
Splash of pineapple juice  
Shake HPNOTIQ and  
orange vodka well with  
ice and strain into a  
martini glass. Add a  
splash of pineapple juice  
and garnish with an  
orange twist.

*Chad Willis, The Grove Park Inn  
~ Asheville, NC*



# MYSTIQ MARTINIS

## Astrono~TIQ

2 oz. HPNOTIQ  
1 oz. super premium vodka  
8 drops Campari®  
Shake well, strain into a martini glass. Add 8 drops of Campari and do not stir.

## Aqua~Marine

2 oz. HPNOTIQ  
1 oz. pineapple juice  
1 oz. crème de banana  
Shake well, strain into a martini glass.  
Garnish with a pineapple slice.  
*Bill Creek, Omni Hotel - Dallas*

## HPNOTIQ® Veronica

1 1/2 oz. HPNOTIQ  
1 1/2 oz. super premium coconut rum  
1/2 oz. raspberry liqueur  
Splash of Jagermeister®  
Layer raspberry liqueur on the bottom of a chilled martini glass. Shake HPNOTIQ and coconut rum with ice, strain into the martini glass and gently layer Jagermeister on top. Garnish with a cherry.

## Avalanche

1 1/2 oz. HPNOTIQ  
1 oz. super premium vodka  
2 oz. lychee juice  
Shake with ice, strain into a martini glass. Garnish with a lychee fruit.  
*Signature drink of Ava at the Mirage Casino - Las Vegas*

## Tigress Martini

2 oz. HPNOTIQ  
1 oz. super premium tequila  
1/2 oz. orange liqueur  
3 mint leaves  
Muddle mint leaves in shaker, add HPNOTIQ, tequila and orange liqueur. Strain into chilled martini glass.  
*Toni Parker, Hilton - Chicago*

## HPNOTIQ Blue Oasis

2 oz. HPNOTIQ  
1 oz. Hendricks® Gin  
1/2 oz. sour mix  
Splash of Blue Curaçao  
Shake well and strain into a chilled martini glass.  
Garnish with a lemon slice.  
*Lauren Fox, Oasis - L.A.*

## HPNOTIQ Bonnie Blue

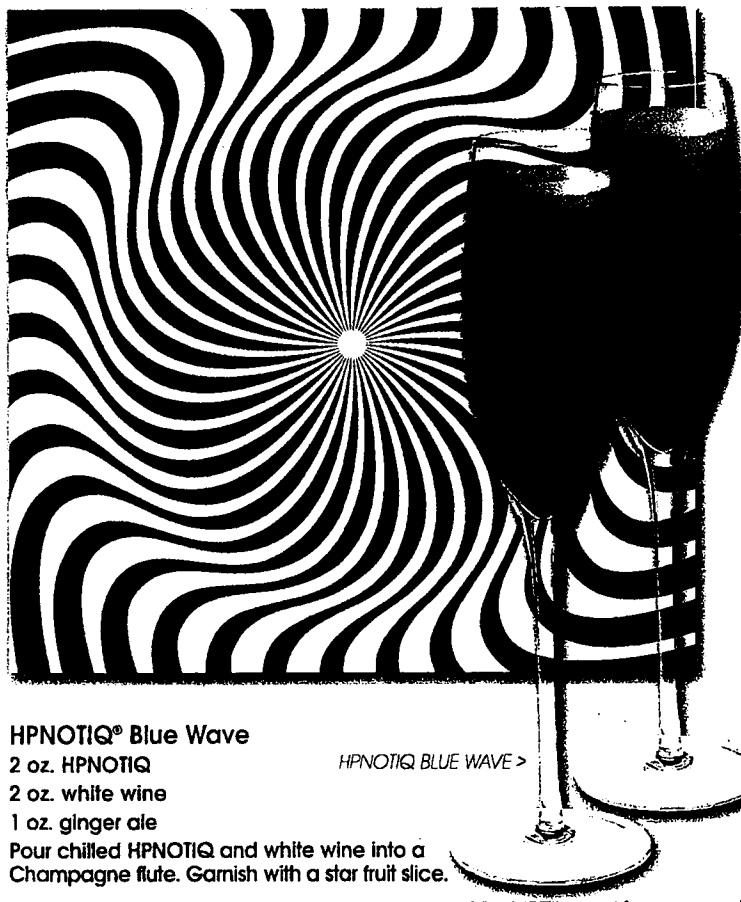
1 1/4 oz. HPNOTIQ  
3/4 oz. triple sec  
3/4 oz. sweet and sour  
Shake well, strain into a martini glass.  
Garnish with a lemon slice.  
*Alistair Code, Hilton - Grapevine, TX*

## Couchette

1 1/4 oz. HPNOTIQ  
1 1/4 oz. super premium citrus vodka  
1 oz. sour mix  
Splash of lemon-lime soda  
Shake with ice, strain into a martini glass.  
Garnish with a lemon twist.  
*Signature drink of Risqué at the Paris Casino - Las Vegas*



# CHIQ WITH CHAMPAGNE



## HPNOTIQ® Blue Wave

2 oz. HPNOTIQ  
2 oz. white wine  
1 oz. ginger ale

Pour chilled HPNOTIQ and white wine into a Champagne flute. Garnish with a star fruit slice.

HPNOTIQ BLUE WAVE >

## HPNOTIQ Heaven

2 oz. HPNOTIQ  
2 oz. Champagne  
1 oz. Chambord®

Pour chilled HPNOTIQ and Champagne into a Champagne flute. Slowly add Chambord. Garnish with cherries.

## HPNOTIQ Dreamy (Bellini)

2 oz. HPNOTIQ  
1 oz. peach schnapps  
Champagne

Pour HPNOTIQ and peach schnapps into a Champagne flute. Top with Champagne. Garnish with a peach slice.

## HPNOTIQ Lemonade

2 oz. HPNOTIQ  
1 oz. Lemoncello  
1 oz. Champagne  
Splash of lime juice  
Pour chilled HPNOTIQ, Lemoncello and Champagne into a Champagne flute. Add a splash of lime juice. Garnish with a lemon twist.

## HPNOTIQ Nirvana

2 oz. HPNOTIQ  
2 oz. Champagne  
Grenadine

Pour chilled HPNOTIQ and Champagne into a Champagne flute. Slowly add a touch of grenadine. Garnish with a strawberry.

*Gaylord Lamy, Dunes Bar - Boston*

## HPNOTIQ Metropolitan

1 1/2 oz. HPNOTIQ  
1 1/2 oz. white cranberry juice  
Champagne

Pour chilled HPNOTIQ, white cranberry juice and Champagne into a Champagne flute. Garnish with a cranberry or a strawberry.

## Mionetto Passion

1/2 oz. HPNOTIQ  
1/2 oz. super premium vodka  
1 oz. orange juice

Top with Champagne  
Shake with ice, strain into a martini glass. Garnish with a flaming orange peel.

*- Dale DeGross*

# EXOTIQ COCKTAILS

## HPNOTIQ® Patriotic Margarita

1 oz. HPNOTIQ  
1 oz. super premium dark rum  
1 oz. coconut milk  
1 oz. fresh lime juice  
1 oz. pineapple juice  
1 oz. sweetened strawberry puree  
1/2 cup crushed ice  
Combine rum, coconut milk, lime juice, pineapple juice, strawberry puree and ice in a blender. Pour HPNOTIQ into a margarita glass and layer blended mix on top. Garnish with coconut flakes or use a salt-rimmed glass as a variation.

## HPNOTIQ Patriotic

2 oz. HPNOTIQ  
2 oz. super premium coconut rum  
Splash of pineapple juice  
Serve over ice in a rocks glass.  
Garnish with a lemon wedge.

## HPNOTIQ Sangria

2 oz. HPNOTIQ  
4 oz. red wine  
1 oz. orange juice  
Shake with ice and strain into an ice-filled glass.

## HPNOTIQ Ice Breaker

2 oz. HPNOTIQ  
Splash of peppermint schnapps  
Layer over ice in a rocks glass.

## HPNOTIQ Juleptini

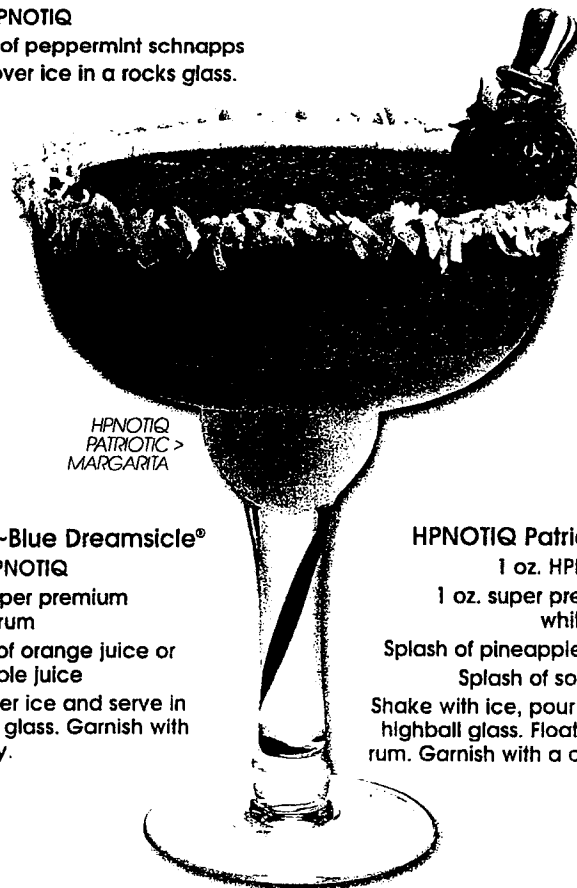
1 oz. HPNOTIQ  
1 oz. super premium citrus vodka  
Splash of white crème de menthe  
Squeeze of lime  
Muddle 2 mint sprigs in bottom of glass. Add ingredients with crushed ice and stir.  
Garnish with a mint leaf.

## HPNOTIQ Berry Sour

2 oz. HPNOTIQ  
1 oz. super premium strawberry vodka  
Splash of sour mix  
Splash of cranberry juice  
Pour over ice in a rocks glass.  
Garnish with a cherry.

## HPNOTIQ Mojito (HPNO~Hito)

1 oz. HPNOTIQ  
2 oz. super premium white rum  
3 oz. club soda  
Muddle 6 fresh mint leaves in the bottom of a glass. Add HPNOTIQ, rum, crushed ice and stir.  
Garnish with a mint sprig and top with club soda.



HPNOTIQ  
PATRIOTIC >  
MARGARITA

## HPNO~Blue Dreamsicle®

2 oz. HPNOTIQ  
2 oz. super premium vanilla rum  
Splash of orange juice or pineapple juice  
Pour over ice and serve in a rocks glass. Garnish with a cherry.

## HPNOTIQ Patriotic II

1 oz. HPNOTIQ  
1 oz. super premium white rum  
Splash of pineapple juice  
Splash of sour mix  
Shake with ice, pour into a highball glass. Float white rum. Garnish with a cherry.

## EXOTIQ COCKTAILS



### Lemon-TIQ

2 oz. HPNOTIQ

1 oz. Lemoncello

Layer over ice in a rocks glass. Garnish with a twist.

HPNOTIQ  
HEAVEN

### HPNOTIQ Green Lantern

2 oz. HPNOTIQ

1 oz. super premium vodka

1 oz. Red Bull®

Serve over ice in a rocks glass. Garnish with a lemon wedge.

### HPNOTIQ Blue Dragonfly

1 oz. HPNOTIQ

1 oz. super premium vanilla vodka

Splash of lemon-lime soda

Serve over ice in a rocks glass. Garnish with a lemon wedge.

### French Blue HPNOTIQ®

1 oz. HPNOTIQ

1 oz. Chambord®

2 oz. orange juice

Soda water

Shake all ingredients (except soda water) with ice, pour into a highball glass. Add soda water to fill. Garnish with an orange wheel and a cherry.

THE BLUE  
GROTTA

### HPNOTIQ Lei

1 oz. HPNOTIQ

1 oz. super premium coconut rum

1 oz. super premium banana rum

1 oz. super premium mango rum

1 oz. pineapple juice

Shake with ice, pour into a highball glass. Garnish with a pineapple slice.

### Croni-Q

2 oz. HPNOTIQ

1 Corona® Beer

Add HPNOTIQ to beer.

# EXOTIQ COCKTAILS

## HPNOTIQ® Caipirinha

2 oz. HPNOTIQ  
Splash of white rum  
Lime wedges  
Muddle lime wedges in the bottom of a glass. Add HPNOTIQ, splash of rum, crushed ice and stir.

## HPNO~Colada

1 oz. HPNOTIQ  
1/2 oz. super premium raspberry vodka  
2 oz. cream of coconut liqueur  
2 oz. cranberry juice  
2 oz. pineapple juice  
Splash of grenadine  
Blend ingredients with ice, serve in a hurricane glass. Add a splash of grenadine to color. Garnish with a pineapple slice.

## Peachy Keen on HPNOTIQ

2 oz. HPNOTIQ  
1 oz. peach schnapps  
1/2 oz. super premium vodka  
Splash of lemon-lime soda  
Serve over ice in a rocks glass.  
Garnish with a lemon wedge.

## HPNO~Purple Rain

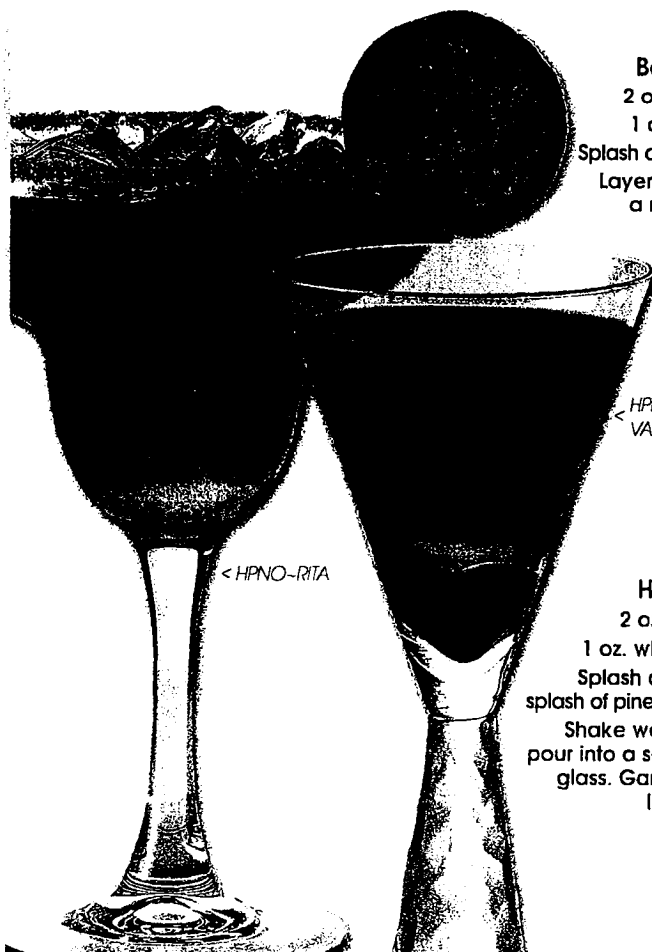
2 1/2 oz. HPNOTIQ  
1/2 oz. super premium vanilla rum  
1/2 oz. peach schnapps  
1/2 oz. super premium raspberry vodka  
Shake with ice, pour into a highball glass. Garnish with a cherry.

## HPNOTIQ Peach Spray

1 oz. HPNOTIQ  
1/2 oz. peach schnapps  
1 oz. super premium citrus vodka  
1 oz. white cranberry juice  
Splash of pineapple juice  
Pour over ice in a rocks glass.  
Garnish with a lemon wedge.

## HPNOTIQ Valen~tini

1 1/2 oz. HPNOTIQ  
3/4 oz. white cranberry juice  
1/2 oz. Cointreau®  
Shake with ice.  
Strain into a martini glass.  
Garnish with a cherry and orchid petal.



Bouboni~Q  
2 oz. HPNOTIQ  
1 oz. Bourbon  
Splash of ginger ale  
Layer over ice in a rocks glass.

HPNO~Rita  
2 oz. HPNOTIQ  
1 oz. white tequila  
Splash of lime or a splash of pineapple juice  
Shake well with ice, pour into a salt-rimmed glass. Garnish with a lime wheel.

# EXOTIQ COCKTAILS



## HPNOTIQ Metro

1 1/2 oz. HPNOTIQ  
1 1/2 oz. white cranberry juice  
Serve over ice in a rocks glass.  
Garnish with a lemon wedge.

## HPNOTIQ & 7

2 oz. HPNOTIQ  
Splash of lemon-lime soda  
Serve over ice in a rocks glass.

← RED, WHITE AND  
HPNOTIQ BLUE

## Blue Devil

1 1/2 oz. HPNOTIQ®  
1 oz. dry vermouth  
1/2 oz. single  
malt Scotch  
Pour HPNOTIQ and  
dry vermouth into an  
ice-filled old-fashioned glass  
and stir briefly. Float the Scotch  
on top of the drink.  
- Gary Regan

## HPNOTIQ Blueberry Tea

1 1/2 oz. HPNOTIQ  
1 oz. Grand Marnier 150°  
3 oz. brewed  
orange pekoe tea  
Stir with ice and  
strain over crushed  
blueberries into  
cocktail glass.

Kerry Short, Four Seasons Resort  
- Palm Beach

## HPNO~Blue Lounge Lizard

1 oz. HPNOTIQ  
1/2 oz. super premium tequila  
1 oz. sour mix  
Combine HPNOTIQ, tequila, sour  
mix and ice in a highball glass.  
Garnish with a lemon wheel.

## HPNOTIQ Purple Haze

1 oz. HPNOTIQ  
1/2 oz. pomegranate juice  
1/2 oz. orange juice, pineapple  
juice or sour mix  
Shake well and strain into a  
chilled martini glass.  
Garnish with an orange rind  
or apple slice.

## HPNOTIQ Amaretto

1 oz. HPNOTIQ  
1 oz. amaretto  
1 oz. pineapple juice  
Pour over ice in a rocks glass.  
Garnish with a cherry.

## HPNOTIQ Eye Catcher

1 oz. HPNOTIQ  
1 1/2 oz. super premium  
white rum  
3 oz. pineapple juice  
1 1/2 oz. coconut cream liqueur  
Blend with ice, serve in a  
hurricane glass. Garnish with a  
pineapple wedge and a cherry.

# EXOTIQ COCKTAILS

## HPNOTIQ® Beach

1 oz. HPNOTIQ  
1 oz. coconut rum  
Splash of pineapple juice  
Splash of club soda  
Layer in order over ice in  
a rocks glass. Garnish  
with a cherry.

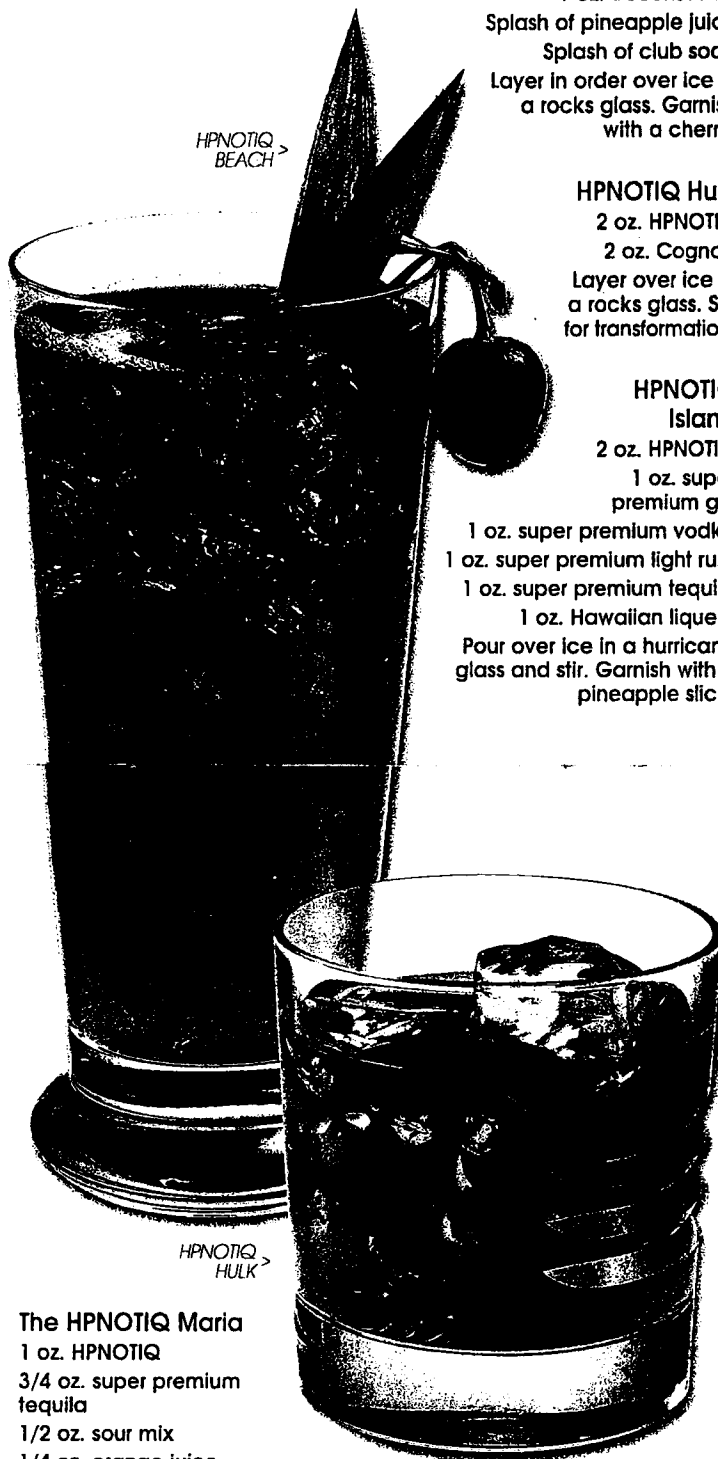
## HPNOTIQ Hulk

2 oz. HPNOTIQ  
2 oz. Cognac  
Layer over ice in  
a rocks glass. Stir  
for transformation.

## HPNOTIQ

### Island

2 oz. HPNOTIQ  
1 oz. super  
premium gin  
1 oz. super premium vodka  
1 oz. super premium light rum  
1 oz. super premium tequila  
1 oz. Hawaiian liqueur  
Pour over ice in a hurricane  
glass and stir. Garnish with a  
pineapple slice.



## The HPNOTIQ Maria

1 oz. HPNOTIQ  
3/4 oz. super premium  
tequila  
1/2 oz. sour mix  
1/4 oz. orange juice  
Shake well with ice and strain  
into a martini glass.

*Maria O'Reilly, Seaport Hotel - Boston*

## HPNOTIQ Chill

2 oz. HPNOTIQ  
Squeeze of lemon  
Serve over ice in a rocks glass.  
Garnish with a lemon wedge.

## HPNOTIQ Blast

3/4 oz. HPNOTIQ  
3/4 oz. Midori®  
Red Bull®  
Serve over crushed ice in a  
rocks glass. Garnish with a  
lemon twist.

## EXOTIQ COCKTAILS



### HPNOTIQ Blue Ibiza

1 oz. HPNOTIQ

1 oz. cream of coconut

1 oz. half and half

3 scoops vanilla ice cream

Blend with ice, serve in a hurricane glass. Garnish with a pineapple wedge and a cherry.

*Victor Cervantes, Hilton  
- San Antonio*

HPNOTIQ  
SAKE

### Vanilla HPNOTIQ®

1 oz. HPNOTIQ

1 oz. pineapple juice

1/2 oz. super premium  
vanilla vodka

1/2 oz. super premium vodka

Shake with ice and strain into a cocktail glass. Garnish with a pineapple slice.

### HPNOTIQ Smoothie

1/4 cup HPNOTIQ

1/4 cup orange juice

1 tablespoon honey

1 container peach yogurt

1 1/2 cups ice

Blend and serve in a hurricane glass. Garnish with an orange wedge and a cherry.

## FANTASTIQ SHOTS

### HPNOTIQ® Blue Shot

1 oz. HPNOTIQ  
1 oz. super premium vodka  
Shake well over ice, strain and  
serve in a shot glass.

### HPNOTIQ Blue Fish

1/2 oz. HPNOTIQ  
1 oz. super premium white rum  
1 oz. lime juice  
Stir with ice, strain into a shot  
glass. Garnish with a lime twist.

### HPNO~Blue Raspberry

1 1/4 oz. HPNOTIQ  
1 1/4 oz. super premium vodka  
1 oz. lime juice  
1 oz. Chambord®  
Shake with ice, strain into shot  
glasses. Makes two drinks.

### POM® Pilot

3/4 oz. HPNOTIQ  
3/4 oz. pomegranate juice  
Serve in a shot glass.

-Dale DeGroff

### HPNO~Grand Shot

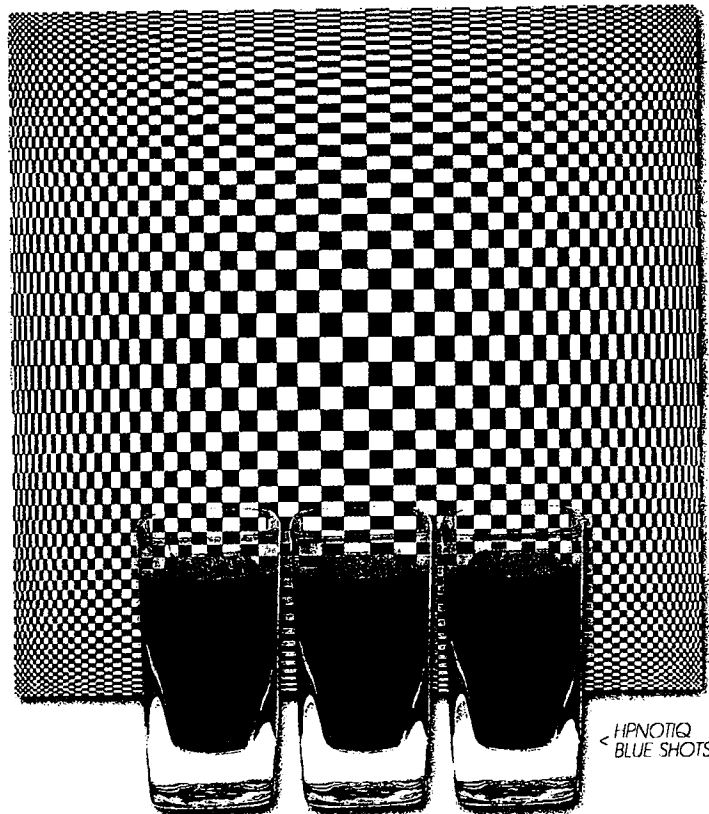
1 oz. grenadine  
1 oz. HPNOTIQ  
1 oz. super premium vodka  
Layer in a shot glass in the  
order given.

### HPNO~Meister

1 oz. HPNOTIQ  
1 oz. Jagermeister®  
Serve in a shot glass.

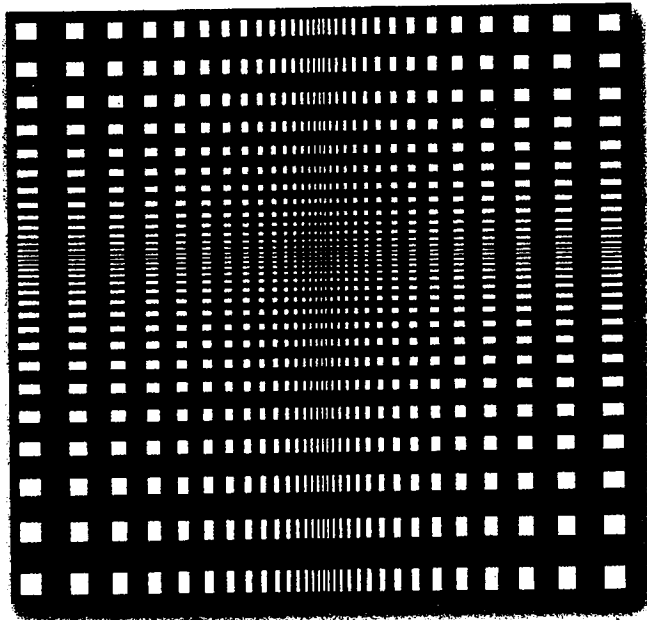
### HPNOTIQ JELL~O® Shots

1 cup HPNOTIQ  
1 cup boiling water  
1 box berry blue or lime JELL-O  
Stir boiling water into JELL-O.  
Stir in HPNOTIQ.  
Chill in shot glasses until firm.



HPNOTIQ  
BLUE SHOTS

IRRESISTIBLY DIFFERENT.  
IT'S HPNOTIQ.



IT'S HPNOTIQ®



[hpnotiq.com](http://hpnotiq.com)

Stay Focused. Drink Responsibly.

HPNOTIQ®, Wingard Imports LTD., Bardstown, KY 17% Alc./Vol. © 2005 HP12704

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PURCHASE ORDER NUMBER: 22790

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**Buyer Name:**  
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**Shipping Address:**

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Louisville  
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**Billing Address:**

Attn: Accounts Payable  
Heaven Hill Distilleries Inc.  
PO Box 729  
Bardstown, KY 40004

**Delivery Terms:**  
Freight On Board

**Ship Via:**  
IFS Applications

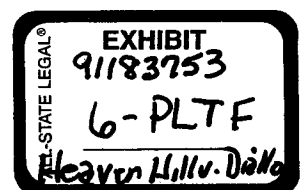
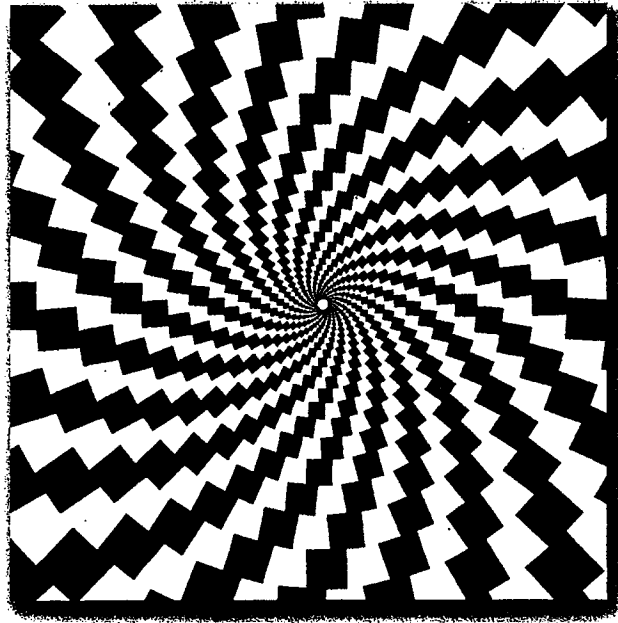
Units/Qty	Description	Heaven Hill Part No. Supplier Part No	U/M	Account	Product Code	Market	District	Delivery Date	Unit Price	Sub Total	Discount	Add. Cost
101,000.00	Hypnotiq Recipe Brochure	HP12704 10/pkg RERUN	each	9410	3060	10	1US99	5/24/05	0.3250	32,825.00	0.00	0.00

Delivery Ticket or Packing Slip must reference the following:

PO# 22790  
Description: Hypnotiq Recipe Brochure  
Code: HP12704  
Qty: 101,000  
Pack Size: 10/pkg  
(Cost per pkg \$3.25 Country of Origin-USA) FCI use only

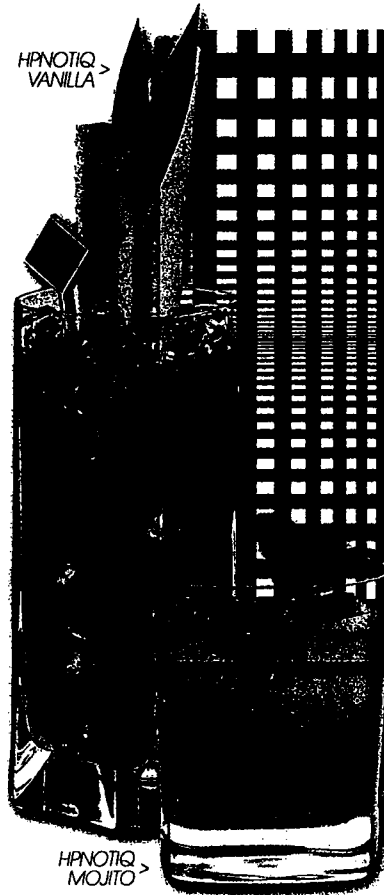
**Purchase Order Total** **\$ 32,825.00**

IRRESISTIBLY DIFFERENT



IT'S IRRESISTIBLY DIFFERENT.

HPNOTIQ  
VANILLA



It's an exquisite blend  
of Premium Vodka,  
Fine Cognac and Natural  
Tropical Fruit Juices.

Its color is mesmerizing.

It's delightfully mixable.

IT'S HPNOTIQ®.

## MOST POPULAR PIQS

### HPNO~Tini

2 oz. HPNOTIQ

1 oz. super premium vodka

Splash of lemon juice

Shake well, strain into a martini glass.

Garnish with a lemon, lime twist or  
star fruit slice.

### HPNOTIQ Breeze

1 oz. HPNOTIQ

1/2 oz. super premium coconut rum

Splash of pineapple juice

Shake well or blend.

Pour into a rocks or hurricane glass.

Garnish with a pineapple wedge.

### HPNOTIQ Mimosa (Hpnosla)

2 oz. HPNOTIQ

2 oz. Champagne

Pour chilled HPNOTIQ and  
Champagne into a Champagne flute.

Garnish with a lemon twist  
or orange wheel.

# MYSTIQ MARTINIS

## The Blue Fin Martini

1 oz. HPNOTIQ®  
2 oz. super premium citrus vodka  
Splash of white cranberry juice  
Shake with ice, pour into an old-fashioned glass. Garnish with a Swedish Fish.

*The Blue Fin - W Hotel, NYC*

## HPNOTIQ Cosmo

2 oz. HPNOTIQ  
1 oz. super premium citrus vodka  
Splash of white cranberry juice  
Shake with ice, strain into a chilled martini glass. Garnish with a lemon or lime twist.

## HPNOTIQ Caramel Appletini

1 oz. HPNOTIQ  
2 oz. sour apple liqueur  
1/2 oz. butter schnapps  
Shake with ice, strain into a martini glass. Garnish with a lemon twist.

## The Blue Grotto

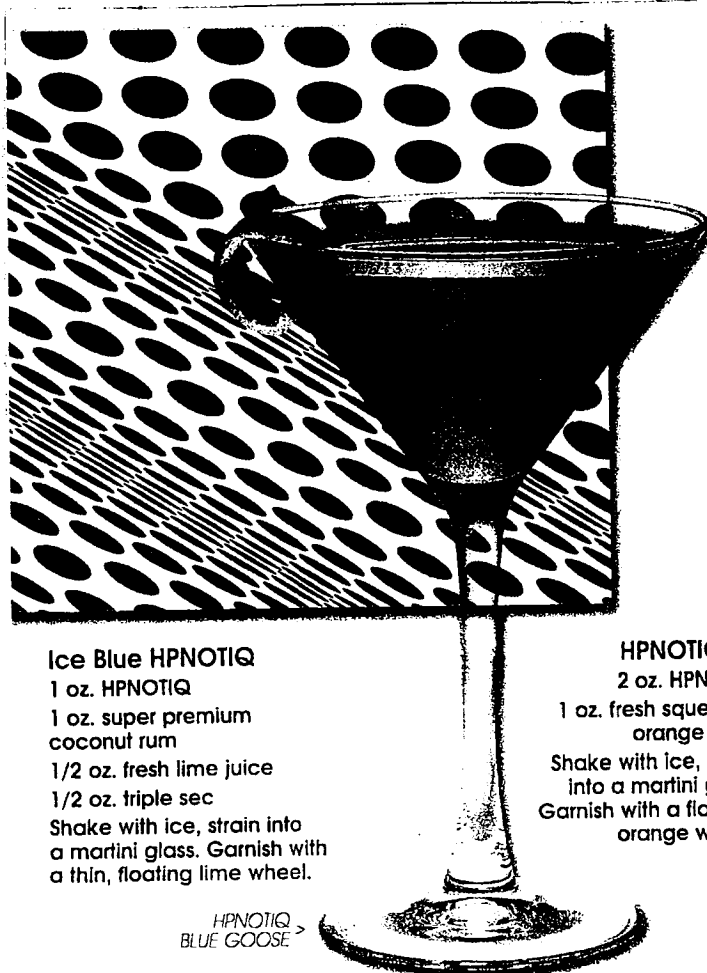
1 oz. HPNOTIQ  
2 oz. super premium gin  
Shake with ice, strain into a martini glass. Garnish with a star fruit slice.

## HPNOTIQ Cotton Candy

2 oz. HPNOTIQ  
1 oz. super premium vodka  
1 oz. sugar water  
Shake with ice, strain into a martini glass. Garnish with a lemon twist.  
*Touches OP - KS*

## HPNOTIQ Blue Goose

2 oz. HPNOTIQ  
1 oz. Grey Goose® Vodka  
Splash of pineapple juice  
Shake with ice, strain into a martini glass. Garnish with a lemon twist.



## Ice Blue HPNOTIQ

1 oz. HPNOTIQ  
1 oz. super premium coconut rum  
1/2 oz. fresh lime juice  
1/2 oz. triple sec  
Shake with ice, strain into a martini glass. Garnish with a thin, floating lime wheel.

## HPNOTIQ~O

2 oz. HPNOTIQ  
1 oz. fresh squeezed orange juice  
Shake with ice, strain into a martini glass. Garnish with a floating orange wheel.

HPNOTIQ  
BLUE GOOSE

# MYSTIQ MARTINIS

## HPNOTIQ® Sake

2 oz. HPNOTIQ  
2 oz. cold sake  
Splash of pineapple juice  
Shake with ice, strain into a martini glass. Garnish with a pineapple slice.

## Gorgeous Giselle's Bluebird

1 1/2 oz. HPNOTIQ  
1 1/2 oz. super premium coconut rum  
Splash of lime juice  
Shake with ice, strain into a coconut-rimmed martini glass.

## HPNOTIQ Jazztini

2 oz. HPNOTIQ  
1 oz. super premium vodka  
1/2 oz. white grape juice  
Shake with ice, strain into a martini glass. Garnish with a grape.

## HPNOTIQ Wet

2 oz. HPNOTIQ  
1 oz. Beefeaters Wet® Gin  
Shake with ice, strain into a martini glass. Garnish with a lemon and lime twist.

## HPNOTIQ Deep Blue Sea

1 1/2 oz. HPNOTIQ  
1 1/2 oz. lemon lime soda  
1/2 oz. Cointreau®  
Shake with ice and strain into a chilled martini glass. Garnish with an orange wheel or gummy fish.  
*Vanessa Hayes, Hyatt Regency  
~ Chicago*

## The Blue Star

2 oz. HPNOTIQ  
2 oz. super premium vodka  
Splash of Cointreau  
Splash of lime juice  
Shake with ice, strain into a martini glass. Garnish with a star fruit.  
*Vong's Thai Kitchen  
~ Chicago*

## HPNOTIQ Fuzzy

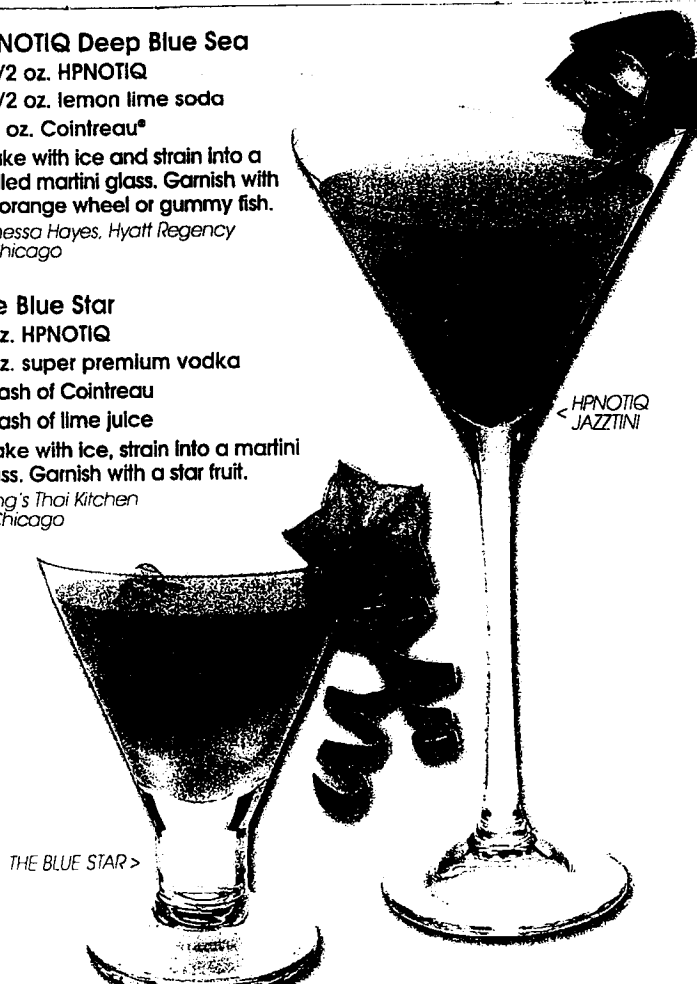
2 oz. HPNOTIQ  
1 oz. super premium vodka  
1 oz. peach schnapps  
Shake with ice, strain into a martini glass. Garnish with a lemon twist.  
*Touches OP - KS*

## Red, White, and HPNOTIQ Blue

2 oz. HPNOTIQ  
1 oz. super premium citrus vodka  
Splash of lemon-lime soda  
Grenadine  
Shake with ice, strain into a martini glass and slowly add a touch of grenadine. Garnish with chopped coconut.

## HPNOTIQ Melotini

1 oz. HPNOTIQ  
1/2 oz. super premium coconut rum  
1/2 oz. Midori®  
2 oz. margarita mix  
Shake well with ice and strain into a sugar-rimmed martini glass. Garnish with a lime wheel and cherry.



# MYSTIQ MARTINIS

## HPNOTIQ® Sleeping Beauty

1/2 oz. HPNOTIQ

1/2 oz. Bourbon

1/2 oz. banana liqueur

1/2 oz. grapefruit juice

Shake well with ice and strain into a martini glass.

Garnish with a cherry.

*Winning recipe in the Cocktail Competition 2004 held by N.B.A.*

*~ Japan*

## HPNOTIQ Water Grace

1/2 oz. HPNOTIQ

1 oz. gin

Splash of lemon juice

Splash of peach syrup

Shake well with ice and strain into a martini glass. Garnish with a peach slice.

*Winning recipe in the Cocktail Competition 2004 held by N.B.A.*

*~ Japan*

## HPNOTizer

2 oz. HPNOTIQ

1/2 oz. triple sec

1 oz. white cranberry juice

Shake well, strain into a martini glass. Garnish with a lemon twist.

*Keith Saunders, Hotel Captain Cook*

*~ Anchorage, AK*

## HPNOTIQ Swiss Alps

2 oz. HPNOTIQ

2 oz. white crème de cacao

Shake with ice and strain into a chilled martini glass.

Garnish with white chocolate.

## HPNO~Blue Sea

2 oz. HPNOTIQ

1 oz. super premium vodka

Shake well, strain into a martini glass. Top with whipped cream and an orange wheel.

## Wild Blue HPNOTIQ

1 1/2 oz. HPNOTIQ

3/4 oz. white cranberry juice

1/2 oz. Cointreau®

Shake with ice, strain into a martini glass. Garnish with a cherry.

## HPNOTIQ Liquid Massage

1 1/2 oz. HPNOTIQ

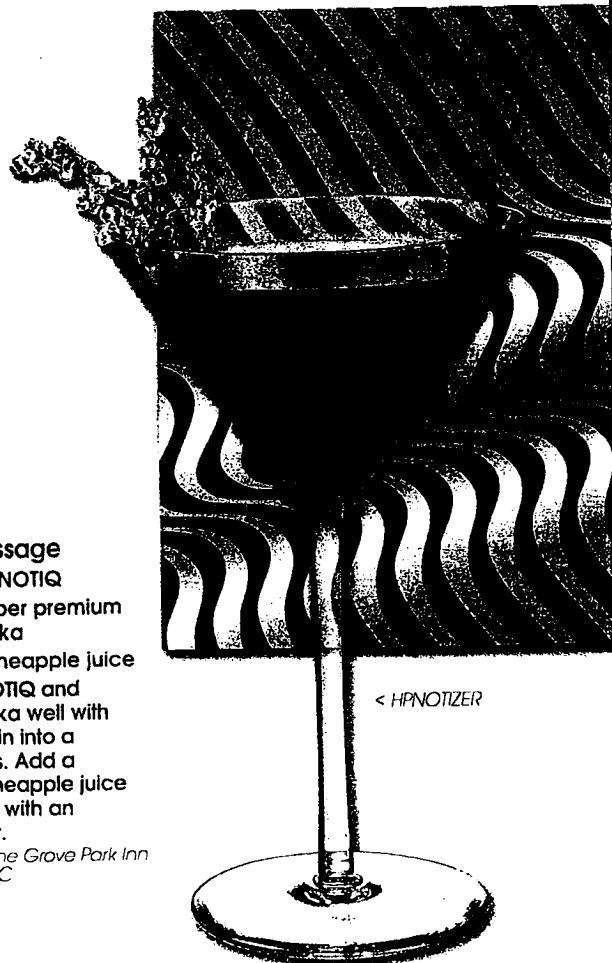
1 1/2 oz. super premium orange vodka

Splash of pineapple juice

Shake HPNOTIQ and orange vodka well with ice and strain into a martini glass. Add a splash of pineapple juice and garnish with an orange twist.

*Chad Willis, The Grove Park Inn*

*~ Asheville, NC*



< HPNOTIZER

# MYSTIQ MARTINIS

## Astrono~TIQ

2 oz. HPNOTIQ  
1 oz. super premium vodka  
8 drops Campari®  
Shake well, strain into a martini glass. Add 8 drops of Campari and do not stir.

## Aqua~Marine

2 oz. HPNOTIQ  
1 oz. pineapple juice  
1 oz. crème de banana  
Shake well, strain into a martini glass.  
Garnish with a pineapple slice.  
*Bill Creek, Omni Hotel - Dallas*

## HPNOTIQ® Veronica

1 1/2 oz. HPNOTIQ  
1 1/2 oz. super premium coconut rum  
1/2 oz. raspberry liqueur  
Splash of Jagermeister®  
Layer raspberry liqueur on the bottom of a chilled martini glass. Shake HPNOTIQ and coconut rum with ice, strain into the martini glass and gently layer Jagermeister on top. Garnish with a cherry.

## Avalanche

1 1/2 oz. HPNOTIQ  
1 oz. super premium vodka  
2 oz. lychee juice  
Shake with ice, strain into a martini glass. Garnish with a lychee fruit.  
*Signature drink of Ava at the Mirage Casino - Las Vegas*

## Tigress Martini

2 oz. HPNOTIQ  
1 oz. super premium tequila  
1/2 oz. orange liqueur  
3 mint leaves  
Muddle mint leaves in shaker, add HPNOTIQ, tequila and orange liqueur. Strain into chilled martini glass.  
*Toni Parker, Hilton - Chicago*

## HPNOTIQ Blue Oasis

2 oz. HPNOTIQ  
1 oz. Hendricks® Gin  
1/2 oz. sour mix  
Splash of Blue Curaçao  
Shake well and strain into a chilled martini glass.  
Garnish with a lemon slice.  
*Lauren Fox, Oasis - L.A.*

## HPNOTIQ Bonnie Blue

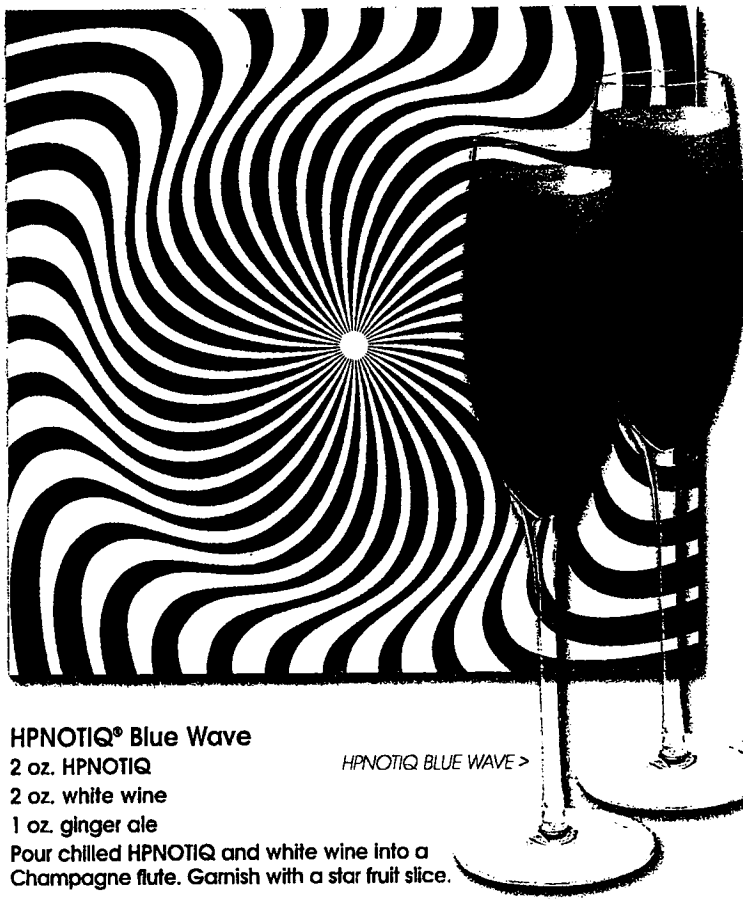
1 1/4 oz. HPNOTIQ  
3/4 oz. triple sec  
3/4 oz. sweet and sour  
Shake well, strain into a martini glass.  
Garnish with a lemon slice.  
*Alistair Code, Hilton - Grapevine, TX*

## Couchette

1 1/4 oz. HPNOTIQ  
1 1/4 oz. super premium citrus vodka  
1 oz. sour mix  
Splash of lemon-lime soda  
Shake with ice, strain into a martini glass.  
Garnish with a lemon twist.  
*Signature drink of Risqué at the Paris Casino - Las Vegas*



# CHIQ WITH CHAMPAGNE



## HPNOTIQ® Blue Wave

2 oz. HPNOTIQ  
2 oz. white wine  
1 oz. ginger ale

HPNOTIQ BLUE WAVE >

Pour chilled HPNOTIQ and white wine into a Champagne flute. Garnish with a star fruit slice.

## HPNOTIQ Heaven

2 oz. HPNOTIQ  
2 oz. Champagne  
1 oz. Chambord®  
Pour chilled HPNOTIQ and Champagne into a Champagne flute. Slowly add Chambord. Garnish with cherries.

## HPNOTIQ Dreamy (Bellini)

2 oz. HPNOTIQ  
1 oz. peach schnapps  
Champagne  
Pour HPNOTIQ and peach schnapps into a Champagne flute. Top with Champagne. Garnish with a peach slice.

## HPNOTIQ Lemonade

2 oz. HPNOTIQ  
1 oz. Lemoncello  
1 oz. Champagne  
Splash of lime juice  
Pour chilled HPNOTIQ, Lemoncello and Champagne into a Champagne flute. Add a splash of lime juice. Garnish with a lemon twist.

## HPNOTIQ Nirvana

2 oz. HPNOTIQ  
2 oz. Champagne  
Grenadine  
Pour chilled HPNOTIQ and Champagne into a Champagne flute. Slowly add a touch of grenadine. Garnish with a strawberry.  
*Gaylord Lamy, Dunes Bar - Boston*

## HPNOTIQ Metropolitan

1 1/2 oz. HPNOTIQ  
1 1/2 oz. white cranberry juice  
Champagne  
Pour chilled HPNOTIQ, white cranberry juice and Champagne into a Champagne flute. Garnish with a cranberry or a strawberry.

## Mionetto Passion

1/2 oz. HPNOTIQ  
1/2 oz. super premium vodka  
1 oz. orange juice  
Top with Champagne  
Shake with ice, strain into a martini glass. Garnish with a flaming orange peel.

- Dale DeGross

# EXOTIQ COCKTAILS

## HPNOTIQ® Patriotic Margarita

1 oz. HPNOTIQ  
1 oz. super premium dark rum  
1 oz. coconut milk  
1 oz. fresh lime juice  
1 oz. pineapple juice  
1 oz. sweetened strawberry puree  
1/2 cup crushed ice  
Combine rum, coconut milk, lime juice, pineapple juice, strawberry puree and ice in a blender. Pour HPNOTIQ into a margarita glass and layer blended mix on top. Garnish with coconut flakes or use a salt-rimmed glass as a variation.

## HPNOTIQ Patriotic

2 oz. HPNOTIQ  
2 oz. super premium coconut rum  
Splash of pineapple juice  
Serve over ice in a rocks glass.  
Garnish with a lemon wedge.

## HPNOTIQ Sangria

2 oz. HPNOTIQ  
4 oz. red wine  
1 oz. orange juice  
Shake with ice and strain into an ice-filled glass.

## HPNOTIQ Ice Breaker

2 oz. HPNOTIQ  
Splash of peppermint schnapps  
Layer over ice in a rocks glass.

## HPNOTIQ Juleptini

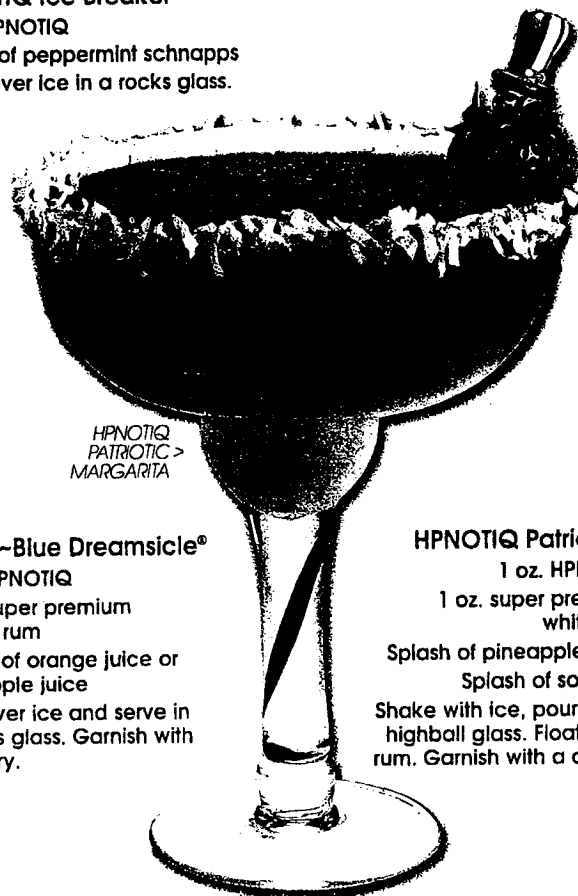
1 oz. HPNOTIQ  
1 oz. super premium citrus vodka  
Splash of white crème de menthe  
Squeeze of lime  
Muddle 2 mint sprigs in bottom of glass. Add ingredients with crushed ice and stir.  
Garnish with a mint leaf.

## HPNOTIQ Berry Sour

2 oz. HPNOTIQ  
1 oz. super premium strawberry vodka  
Splash of sour mix  
Splash of cranberry juice  
Pour over ice in a rocks glass.  
Garnish with a cherry.

## HPNOTIQ Mojito (HPNO~Hito)

1 oz. HPNOTIQ  
2 oz. super premium white rum  
3 oz. club soda  
Muddle 6 fresh mint leaves in the bottom of a glass. Add HPNOTIQ, rum, crushed ice and stir.  
Garnish with a mint sprig and top with club soda.



HPNOTIQ  
PATRIOTIC >  
MARGARITA

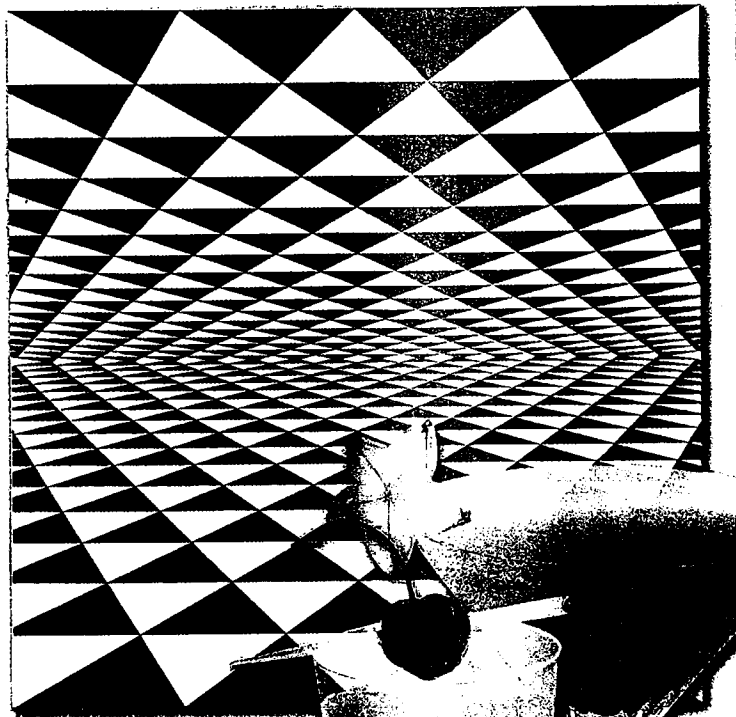
## HPNO~Blue Dreamsicle®

2 oz. HPNOTIQ  
2 oz. super premium vanilla rum  
Splash of orange juice or pineapple juice  
Pour over ice and serve in a rocks glass. Garnish with a cherry.

## HPNOTIQ Patriotic II

1 oz. HPNOTIQ  
1 oz. super premium white rum  
Splash of pineapple juice  
Splash of sour mix  
Shake with ice, pour into a highball glass. Float white rum. Garnish with a cherry.

## EXOTIQ COCKTAILS



**Lemon~TIQ**  
2 oz. HPNOTIQ  
1 oz. Lemoncello  
Layer over ice in a rocks glass. Garnish with a twist.

HPNOTIQ >  
HEAVEN

**HPNOTIQ Green Lantern**  
2 oz. HPNOTIQ  
1 oz. super premium vodka  
1 oz. Red Bull®  
Serve over ice in a rocks glass. Garnish with a lemon wedge.

**HPNOTIQ Blue Dragonfly**  
1 oz. HPNOTIQ  
1 oz. super premium vanilla vodka  
Splash of lemon-lime soda  
Serve over ice in a rocks glass. Garnish with a lemon wedge.

**French Blue HPNOTIQ®**  
1 oz. HPNOTIQ  
1 oz. Chambord®  
2 oz. orange juice  
Soda water  
Shake all ingredients (except soda water) with ice, pour into a highball glass. Add soda water to fill. Garnish with an orange wheel and a cherry.

< THE BLUE  
GROTTO

**HPNOTIQ Lei**  
1 oz. HPNOTIQ  
1 oz. super premium coconut rum  
1 oz. super premium banana rum  
1 oz. super premium mango rum  
1 oz. pineapple juice  
Shake with ice, pour into a highball glass. Garnish with a pineapple slice.

**Croni~Q**  
2 oz. HPNOTIQ  
1 Corona® Beer  
Add HPNOTIQ to beer.

# EXOTIQ COCKTAILS

## HPNOTIQ® Caipirinha

2 oz. HPNOTIQ  
Splash of white rum  
Lime wedges  
Muddle lime wedges in the bottom of a glass. Add HPNOTIQ, splash of rum, crushed ice and stir.

## HPNO~Colada

1 oz. HPNOTIQ  
1/2 oz. super premium raspberry vodka  
2 oz. cream of coconut liqueur  
2 oz. cranberry juice  
2 oz. pineapple juice  
Splash of grenadine  
Blend ingredients with ice, serve in a hurricane glass. Add a splash of grenadine to color. Garnish with a pineapple slice.

## Peachy Keen on HPNOTIQ

2 oz. HPNOTIQ  
1 oz. peach schnapps  
1/2 oz. super premium vodka  
Splash of lemon-lime soda  
Serve over ice in a rocks glass.  
Garnish with a lemon wedge.

## HPNO~Purple Rain

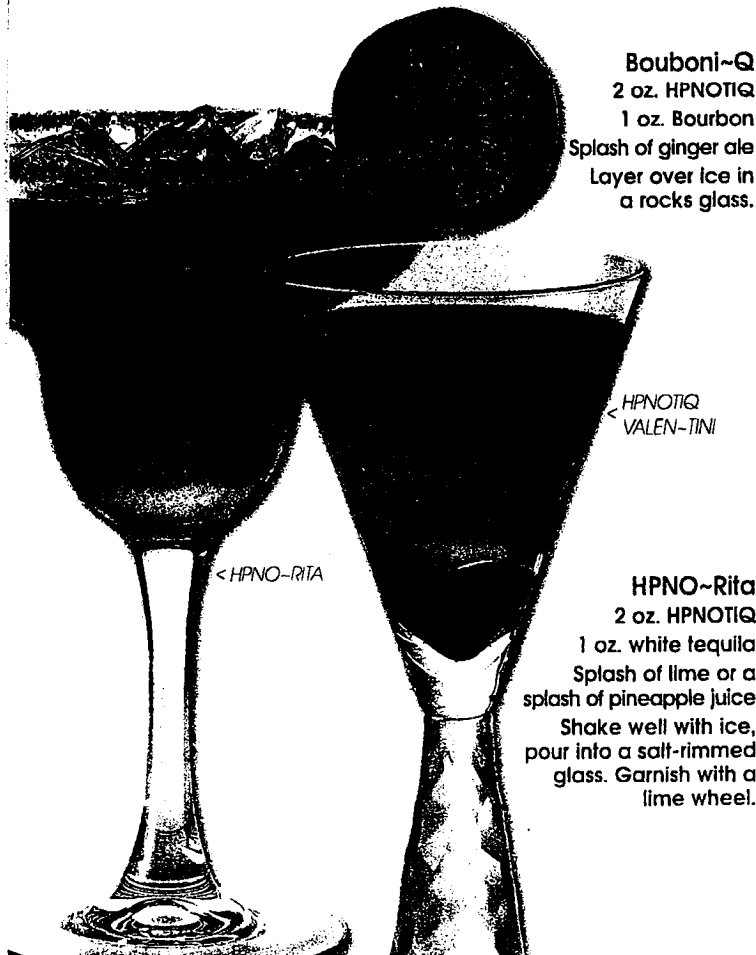
2 1/2 oz. HPNOTIQ  
1/2 oz. super premium vanilla rum  
1/2 oz. peach schnapps  
1/2 oz. super premium raspberry vodka  
Shake with ice, pour into a highball glass. Garnish with a cherry.

## HPNOTIQ Peach Spray

1 oz. HPNOTIQ  
1/2 oz. peach schnapps  
1 oz. super premium citrus vodka  
1 oz. white cranberry juice  
Splash of pineapple juice  
Pour over ice in a rocks glass.  
Garnish with a lemon wedge.

## HPNOTIQ Valen~tini

1 1/2 oz. HPNOTIQ  
3/4 oz. white cranberry juice  
1/2 oz. Cointreau®  
Shake with ice.  
Strain into a martini glass.  
Garnish with a cherry and orchid petal.



## Bouboni~Q

2 oz. HPNOTIQ  
1 oz. Bourbon  
Splash of ginger ale  
Layer over ice in a rocks glass.

## HPNO~Rita

2 oz. HPNOTIQ  
1 oz. white tequila  
Splash of lime or a splash of pineapple juice  
Shake well with ice, pour into a salt-rimmed glass. Garnish with a lime wheel.

# EXOTIQ COCKTAILS



## HPNOTIQ Metro

1 1/2 oz. HPNOTIQ  
1 1/2 oz. white cranberry juice  
Serve over ice in a rocks glass.  
Garnish with a lemon wedge.

## HPNOTIQ & 7

2 oz. HPNOTIQ  
Splash of lemon-lime soda  
Serve over ice in a  
rocks glass.

< RED, WHITE AND  
HPNOTIQ BLUE

## Blue Devil

1 1/2 oz. HPNOTIQ®  
1 oz. dry vermouth  
1/2 oz. single  
malt Scotch  
Pour HPNOTIQ and  
dry vermouth into an  
ice-filled old-fashioned glass  
and stir briefly. Float the Scotch  
on top of the drink.  
~ Gary Regan

## HPNOTIQ Blueberry Tea

1 1/2 oz. HPNOTIQ  
1 oz. Grand Marnier 150°  
3 oz. brewed  
orange pekoe tea  
Stir with ice and  
strain over crushed  
blueberries into  
cocktail glass.  
Kerry Sharr, Four Seasons Resort  
~ Palm Beach

## HPNO~Blue Lounge Lizard

1 oz. HPNOTIQ  
1/2 oz. super premium tequila  
1 oz. sour mix  
Combine HPNOTIQ, tequila, sour  
mix and ice in a highball glass.  
Garnish with a lemon wheel.

## HPNOTIQ Purple Haze

1 oz. HPNOTIQ  
1/2 oz. pomegranate juice  
1/2 oz. orange juice, pineapple  
juice or sour mix  
Shake well and strain into a  
chilled martini glass.  
Garnish with an orange rind  
or apple slice.

## HPNOTIQ Amaretto

1 oz. HPNOTIQ  
1 oz. amaretto  
1 oz. pineapple juice  
Pour over ice in a rocks glass.  
Garnish with a cherry.

## HPNOTIQ Eye Catcher

1 oz. HPNOTIQ  
1 1/2 oz. super premium  
white rum  
3 oz. pineapple juice  
1 1/2 oz. coconut cream liqueur  
Blend with ice, serve in a  
hurricane glass. Garnish with a  
pineapple wedge and a cherry.

# EXOTIQ COCKTAILS

## HPNOTIQ® Beach

1 oz. HPNOTIQ  
1 oz. coconut rum  
Splash of pineapple juice  
Splash of club soda  
Layer in order over ice in  
a rocks glass. Garnish  
with a cherry.

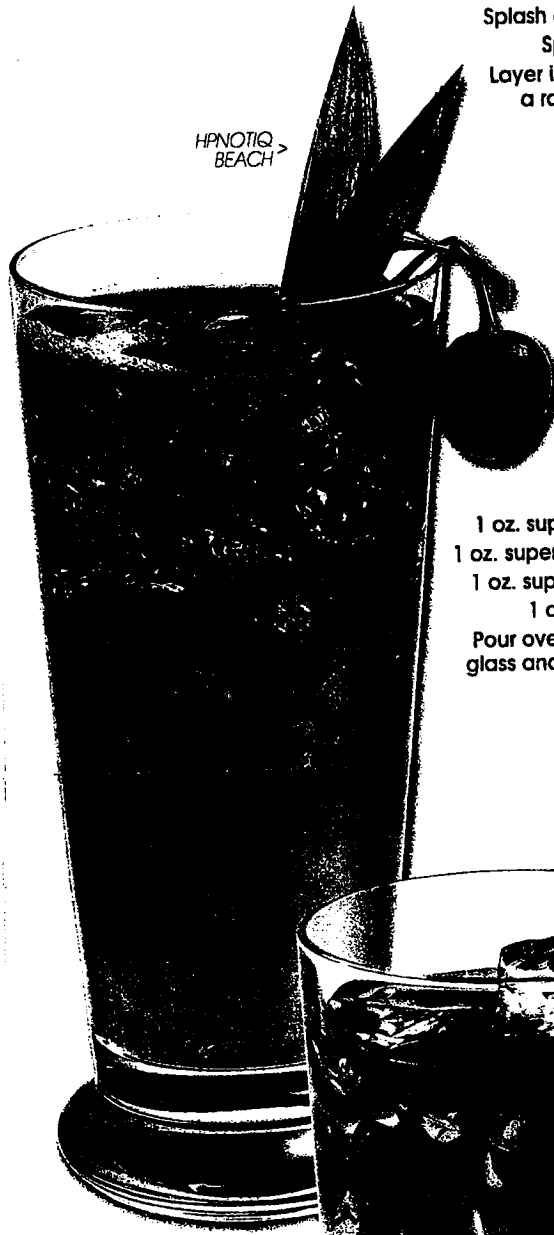
## HPNOTIQ Hulk

2 oz. HPNOTIQ  
2 oz. Cognac  
Layer over ice in  
a rocks glass. Stir  
for transformation.

## HPNOTIQ

### Island

2 oz. HPNOTIQ  
1 oz. super  
premium gin  
1 oz. super premium vodka  
1 oz. super premium light rum  
1 oz. super premium tequila  
1 oz. Hawaiian liqueur  
Pour over ice in a hurricane  
glass and stir. Garnish with a  
pineapple slice.



HPNOTIQ  
HULK

## The HPNOTIQ Maria

1 oz. HPNOTIQ  
3/4 oz. super premium  
tequila  
1/2 oz. sour mix  
1/4 oz. orange juice  
Shake well with ice and strain  
into a martini glass.

*Maria O'Reilly, Seaport Hotel - Boston*

## HPNOTIQ Chill

2 oz. HPNOTIQ  
Squeeze of lemon  
Serve over ice in a rocks glass.  
Garnish with a lemon wedge.



## HPNOTIQ Blast

3/4 oz. HPNOTIQ  
3/4 oz. Midori®  
Red Bull®  
Serve over crushed ice in a  
rocks glass. Garnish with a  
lemon twist.

# EXOTIQ COCKTAILS



HPNOTIQ  
BLUE IBIZA

## HPNOTIQ Blue Ibiza

1 oz. HPNOTIQ  
1 oz. cream of coconut  
1 oz. half and half

3 scoops vanilla ice cream

Blend with ice, serve in a hurricane glass. Garnish with a pineapple wedge and a cherry.

Victor Cervantes, Hilton  
- San Antonio

HPNOTIQ  
SAKE

## Vanilla HPNOTIQ®

1 oz. HPNOTIQ  
1 oz. pineapple juice  
1/2 oz. super premium  
vanilla vodka  
1/2 oz. super premium vodka  
Shake with ice and strain into a  
cocktail glass. Garnish with a  
pineapple slice.

## HPNOTIQ Smoothie

1/4 cup HPNOTIQ  
1/4 cup orange juice  
1 tablespoon honey  
1 container peach yogurt  
1 1/2 cups ice  
Blend and serve in a hurricane  
glass. Garnish with an orange  
wedge and a cherry.

## FANTASTIQ SHOTS

### HPNOTIQ® Blue Shot

1 oz. HPNOTIQ  
1 oz. super premium vodka  
Shake well over ice, strain and  
serve in a shot glass.

### HPNOTIQ Blue Fish

1/2 oz. HPNOTIQ  
1 oz. super premium white rum  
1 oz. lime juice  
Stir with ice, strain into a shot  
glass. Garnish with a lime twist.

### HPNO~Blue Raspberry

1 1/4 oz. HPNOTIQ  
1 1/4 oz. super premium vodka  
1 oz. lime juice  
1 oz. Chambord®  
Shake with ice, strain into shot  
glasses. Makes two drinks.

### POM® Pilot

3/4 oz. HPNOTIQ  
3/4 oz. pomegranate juice  
Serve in a shot glass.

~Dale DeGross

### HPNO~Grand Shot

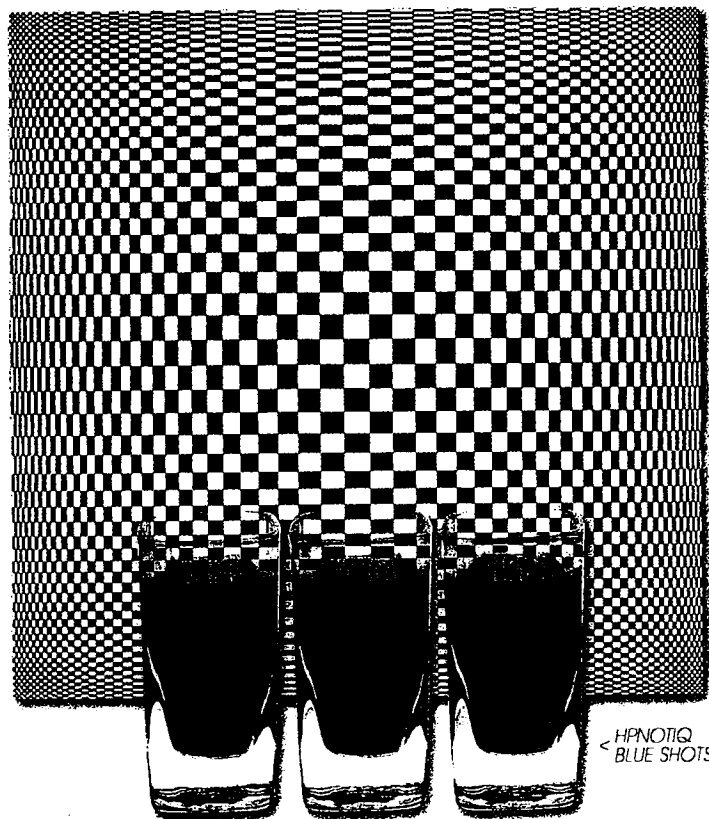
1 oz. grenadine  
1 oz. HPNOTIQ  
1 oz. super premium vodka  
Layer in a shot glass in the  
order given.

### HPNO~Meister

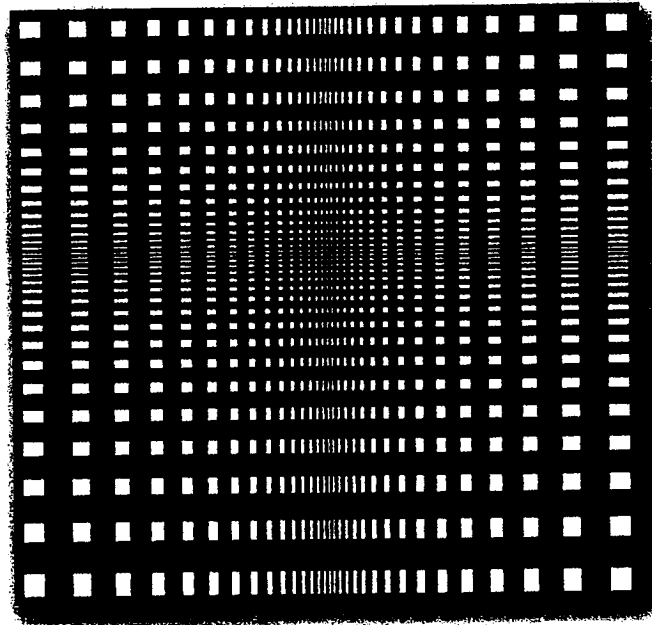
1 oz. HPNOTIQ  
1 oz. Jagermeister®  
Serve in a shot glass.

### HPNOTIQ JELL~O® Shots

1 cup HPNOTIQ  
1 cup boiling water  
1 box berry blue or lime JELL-O  
Stir boiling water into JELL-O.  
Stir in HPNOTIQ.  
Chill in shot glasses until firm.



IRRESISTIBLY DIFFERENT.  
IT'S HPNOTIQ.



IT'S HPNOTIQ.®



Stay Focused. Drink Responsibly.

HPNOTIQ®, Wingard Imports LTD., Bardstown, KY 17% Alc./Vol. © 2005 HP12705

Customer # 120

CSR Linda G. Morris

Sales Steven A. Bass

Type of Job: Reprint-copy chg

Previous Job

Total # of Forms 3

## Production Notes:

min / actual / max

Change Order/  
Code 2

Change Order 10-9 Customer will let us rubberband this job in 10's instead of shrinkwrapping

Linda Morris 10/09/06 11:37

Prepress

175C LINE SCREEN

Rerun with change last ran on job #28409 - we need to change the code on the back to HP12705

Spinjet only use previous printed sample for color

Linda Morris 9/20/06 14:32

Press

100,000 HP12705 HPNOTIQ DRINK BROCHURE

4 1/2 X 11 1/2 FOLDS TO 4 1/2 X 5 3/4

COVER - 80# WHITE GLOSS COVER

4CP 2 sides.

.5 mil gloss polyester laminate outside covers - Gloss Aqueous Coat Inside Covers Only

TEXT - 24 PAGES

80# WHITE GLOSS TEXT

4CP+FGAQ/2 SIDES

Linda Morris 9/20/06 14:32

Bindery

COVERS LAMINATE WITH .5 MIL polyester LAMINATE ONE SIDE

SCORE COVER (CRITICAL LINE UPS)

SADDLESTITCH 2UP and trim to 4 1/2 x 5 3/4.

Band IN 10'S

BULK CARTON IN HPC BOXES

SEAL WITH THE DARK BLUE HEAVEN HILL TAPE.

PLEASE MAKE SURE THE DESCRIPTION, CODE #, QTY AND HEAVEN HILL PO APPEARS ON

ALL BOXES AND PAPER WORK

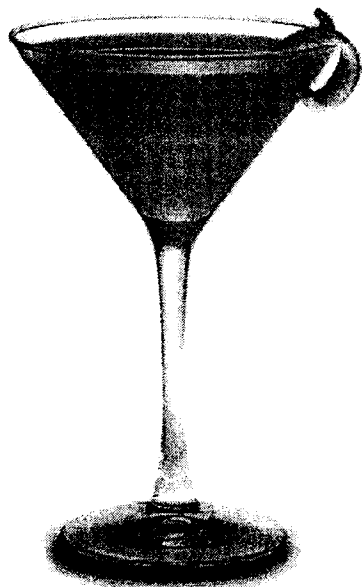
Linda Morris 9/20/06 14:32

Shipping

100,000 HP12705 HPNOTIQ DRINK BROCHURE TO FCI

Linda Morris 9/20/06 14:32

Drink Recipes



## HPNOTIQ HPNOTIZER

2 oz. Hpnotiq

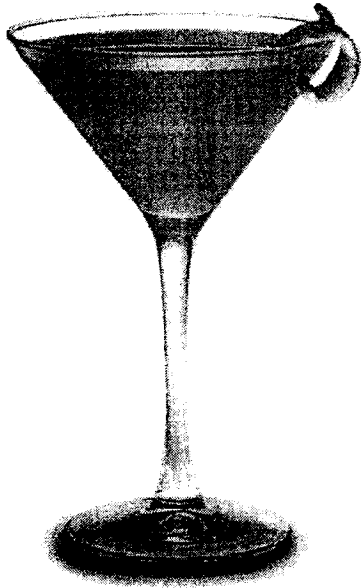
½ oz. Triple Sec

1 oz. White Cranberry Juice

Shake well, strain into a martini glass. Garnish with a lemon twist. -Keith Saunders / Hotel Captain Cook / Anchorage, AK



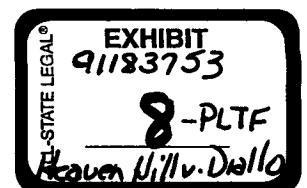
## Drink Recipes



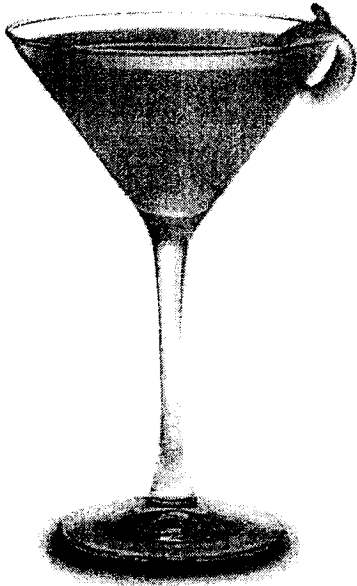
### THE HYPNOTIZE MARTINI

1 oz. Hpnotiq  
1 oz. Grey Goose Citron  
Splash of pineapple juice  
Top with Red Bull

Pour Hpnotiq, Grey Goose Citron and a dash of pineapple juice in ice filled shaker. Shake vigorously. Pour into a martini glass. Top with ice cold Red Bull. Garnish with a cherry. -Seth Brubaker / Metro Restaurant / Roanoke, VA



## Drink Recipes



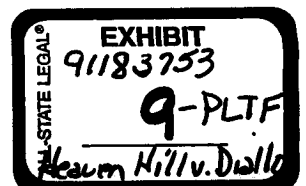
### HPNO-TINI

2 oz. Hpnotiq

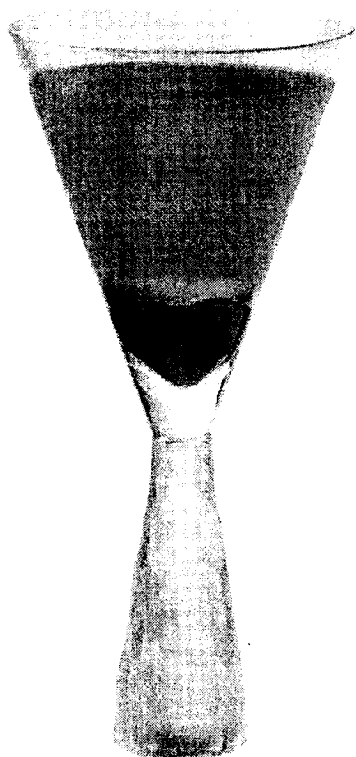
1 oz. Super Premium Vodka

Splash of lemon Juice

Shake well with ice, strain into a martini glass. Garnish with a lemon slice.



## Drink Recipes



### HPNO GRAND SHOT

1 oz. Hpnotiq

1 oz. Grenadine 1 oz. Super Premium

Vodka

Layer in a shot glass in order given.

## Drink Recipes



### HPNO MEISTER

1 oz. Hpnotiq

1 oz. Jagermeister®

Serve in a shot glass.

Drink Recipes



## HPNO-BLUE DREAMSICLE

2 oz. Hpnotiq

2 oz. Super Premium Vanilla Rum

Splash of orange juice or pineapple juice

Pour over ice and serve in a rocks glass.

Garnish with a cherry.

## Drink Recipes



### HPNO-BLUE LOUNGE LIZARD

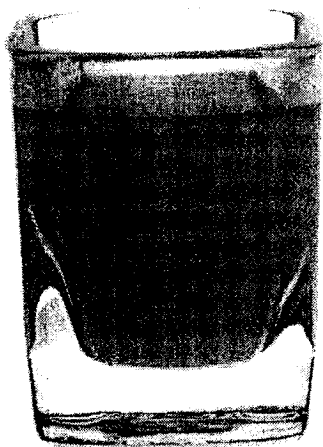
1 oz. Hpnotiq

½ oz. Super Premium Tequila

1 oz. Sour Mix

Combine Hpnotiq, tequila, sour mix and ice in a highball glass. Garnish with lemon wheel.

## Drink Recipes

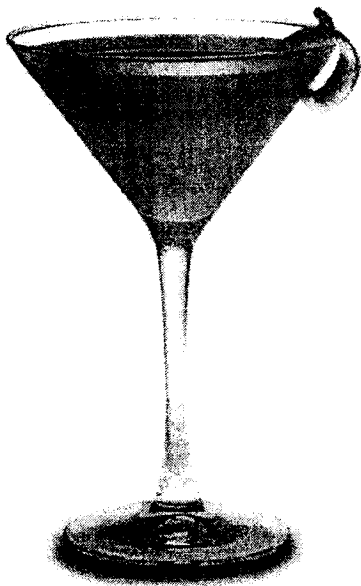


### HPNO-BLUE RASPBERRY

1 ¼ oz. Hpnotiq  
1 ¼ oz. Super Premium Vodka  
1 oz. Lime Juice  
1 oz. Chambord

Shake with ice, strain into shot glasses.

Drink Recipes



## HPNO-BLUE SEA

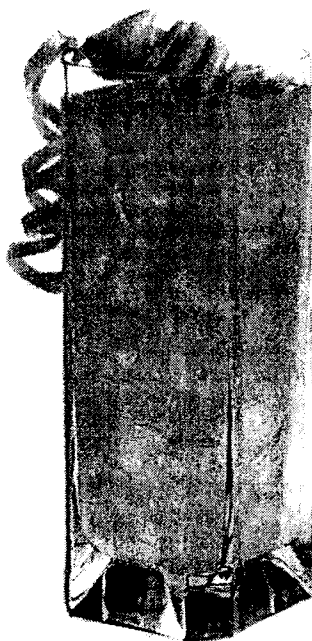
2 oz. Hpnotiq

1 oz. Super Premium Vodka

1 oz. Peach Schnapps

Shake well, strain into a martini glass. Top with whipped cream and an orange wheel.

## Drink Recipes

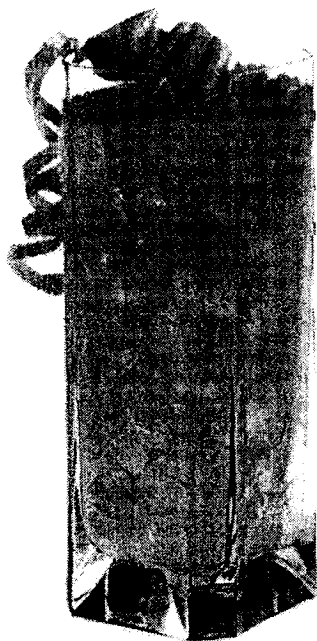


### HPNO-COLADA

1 oz. Hpnotiq  
½ oz. Super Premium Raspberry Vodka  
2 oz. Cream of Coconut Liqueur  
2 oz. Pineapple Juice  
Splash of grenadine

Blend ingredients with ice, serve in a hurricane glass and add a splash of grenadine to color. Garnish with a pineapple slice.

## Drink Recipes



### HPNO-PURPLE RAIN

2 ½ oz. Hpnotiq

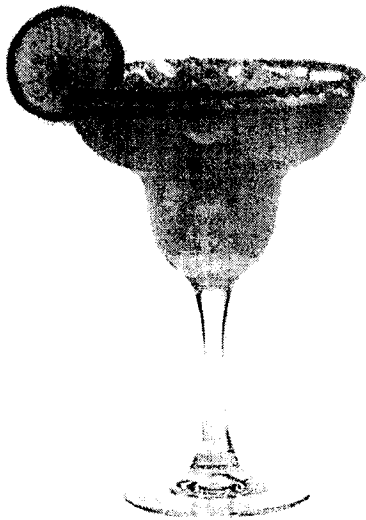
½ oz. Super Premium Vanilla Rum

½ oz. Peach Schnapps

½ oz. Super Premium Raspberry Vodka

Shake with ice and pour into a highball glass.  
Garnish with a cherry.

## Drink Recipes



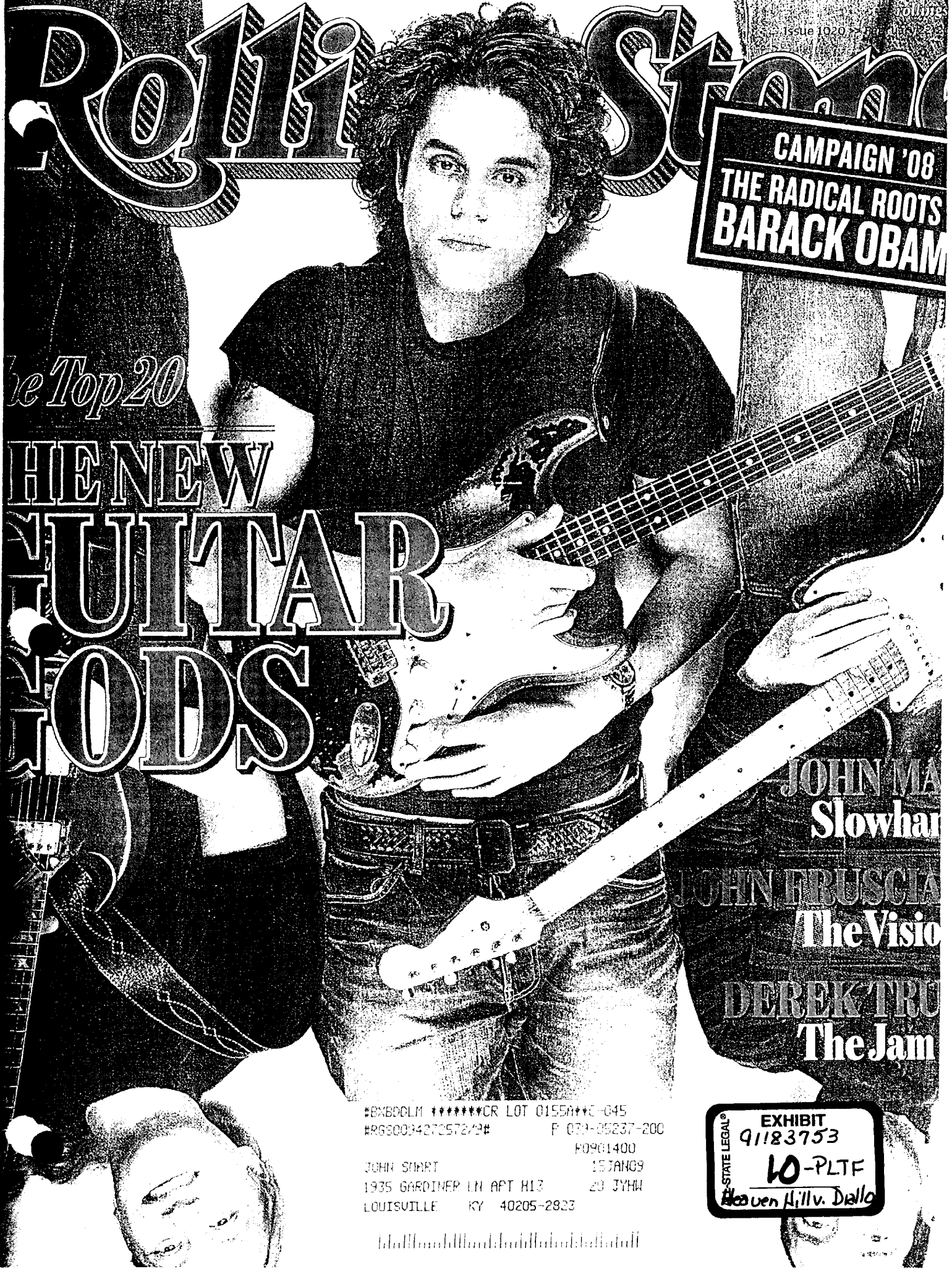
### HPNO-RITA

2 oz. Hpnotiq

1 oz. White Tequila

Splash of lime or pineapple juice

Shake well. Pour over ice in a salt-rimmed glass. Garnish with a lime wheel.



# Rolling Stone

Issue 1020

CAMPAIGN '08  
THE RADICAL ROOTS  
BARACK OBAMA

The Top 20  
THE NEW  
GUITAR  
HEROES

JOHN MAYER  
Slowhand  
JOHN FRUSCIA  
The Vision  
DEREK TRU  
The Jam

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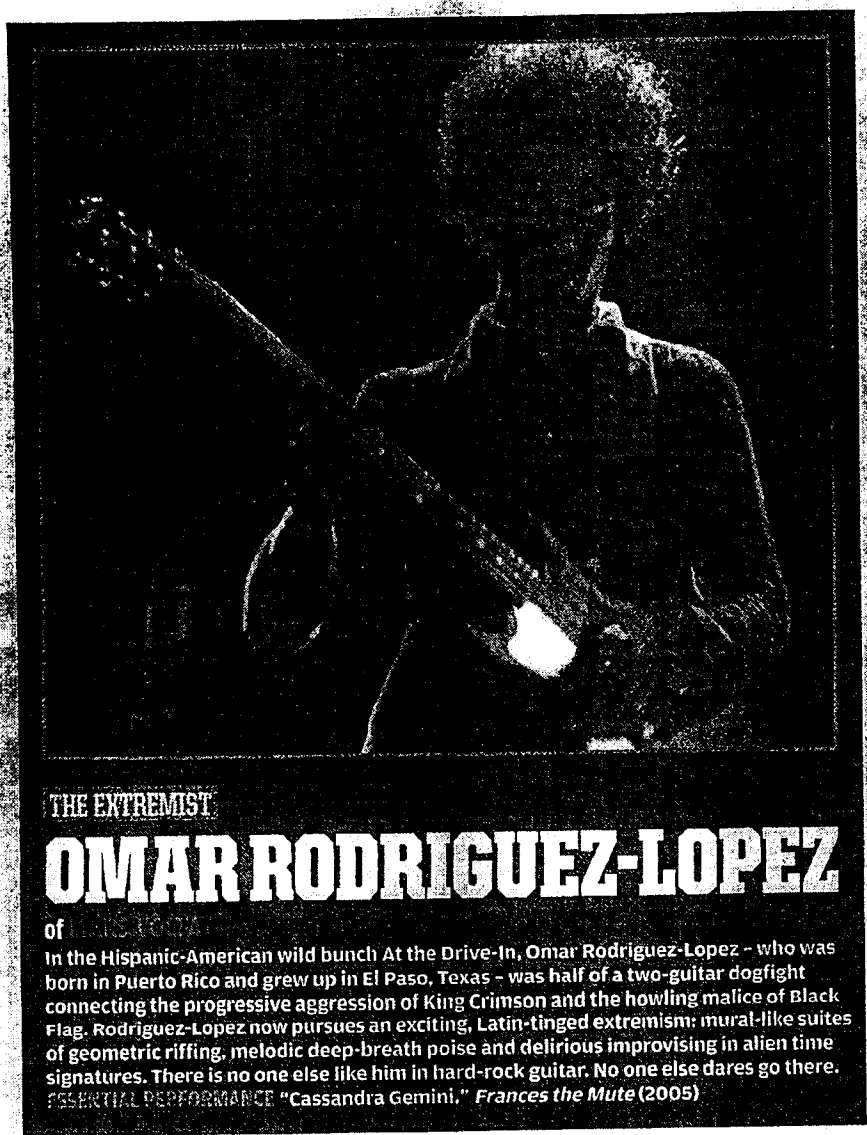
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THE EXTREMIST

# OMAR RODRIGUEZ-LOPEZ

of *THIS VODKA*  
In the Hispanic-American wild bunch At the Drive-In, Omar Rodríguez-Lopez - who was born in Puerto Rico and grew up in El Paso, Texas - was half of a two-guitar dogfight connecting the progressive aggression of King Crimson and the howling malice of Black Flag. Rodríguez-Lopez now pursues an exciting, Latin-tinged extremism: mural-like suites of geometric riffing, melodic deep-breath poise and delirious improvising in alien time signatures. There is no one else like him in hard-rock guitar. No one else dares go there. **ESSENTIAL PERFORMANCE** "Cassandra Gemini." *Frances the Mute* (2005)

Machine, his incantatory playing is a thrilling countervoice to that of singer Zack de la Rocha, while the melodic steel in Morello's riffs and breaks pumps up the classic rock in Audioslave.  
**ESSENTIAL PERFORMANCE** Rage Against the Machine, "Calm Like a Bomb," *The Battle of Los Angeles* (1999)

DARK SIDE OF THE MOON EXPLORES

# ED O'BRIEN & JONNY GREENWOOD

of *RADIOHEAD*  
COMPARED TO MOST OF THE PLAYERS HERE, O'Brien and Greenwood are best-selling elders. The impact of their angular knife-edge-treble guitars and the pair's integration of electronics and sampling into their cross talk, especially since 2000's *Kid A*, can be heard in younger bands as disparate as Muse and Deerhoof. But O'Brien and Greenwood, who have played together since Radiohead formed in Oxford, England, in 1987, are still committed explorers, and a few next-album songs in the band's 2006 shows, like "Bodysnatchers" and "Bangers 'n' Mash," combined Radiohead's latest spaced rock with the strangled-twang excitement of 1995's

STONER METAL RULES

# MATT PIKE

of *SLEEP* and *HIGH ON FIRE*  
IN A SINGLE POWER CHORD, PIKE SOUNDS like ten Tony Iommis, then zooms into solos of Hendrix witchcraft. In 1995, with the California trio Sleep, Pike made the long-playing apex of narcotic rock: "Dopesmoker" a.k.a. "Jerusalem," an hour-long song designed to fill a whole CD, like "Iron Man" on killer weed. In the Bay Area trio High on Fire, Pike now plays intricate riffs that open into action-metal leads. **ESSENTIAL PERFORMANCE** Sleep, *Dopesmoker* (2003)

THE DRAWLING KING SNAKE

# JACK WHITE

of *THE WHITE STRIPES* and *THE RACONTEURS*  
THE DETROIT-BORN WHITE MADE OUR 2003 list for his fusion of prewar blues grit and Stooges napalm with the White Stripes. Last year, he found new fun with the Raconteurs, packing his heavy-Delta outbursts into swaggering glam pop. But on tour, in "Blue Veins," White never failed to unleash his inner, electric Blind Willie McTell. **ESSENTIAL PERFORMANCE** The Raconteurs

# HPNOTIZED in N.Y.C.



## ONE LUCKY READER

and a guest got to party like rockstars, winning a trip to New York City to hear a live concert at the iconic Bowery Ballroom venue, courtesy of HPNOTIQ!

Check out these photos and delicious HPNOTIQ cocktail recipes from the party.

### THE ROLLING STONE

2 oz HPNOTIQ  
1 oz Vanilla Vodka  
Splash of Cranberry or Lemon-Lime Soda  
Garnish with a Lemon Slice

### HPNOTIQ BULLET

1 1/2 oz HPNOTIQ  
1 1/2 oz Silver Tequila  
Serve with a Lemon Slice

### HPNOTIQ BREEZE

2 oz HPNOTIQ  
1 oz Coconut Rum  
Splash of Pineapple Juice

### HPNOTIQ

is a blend of super-premium vodka, natural tropical fruit juices and a hint of Cognac that is instantly recognizable in a striking frosted bottle.



HPNOTIQ

Issue 620 • January 1, 2007 • usmagazine.com • \$3.49

# MARTHA STEWART Not to Wed

**D**ON'T BELIEVE OUT THE HOME-made recipi-ees just yet. Despite a tabloid report, *Martha Stewart* has no plans to tie the knot with *Charles Simonyi*, 58 — a billionaire former Microsoft employee (he was chief architect of Microsoft Word) — any time soon. "They are dating only. No marriage is being planned," a source says. But Simonyi — who will spend a reported \$20 million to visit a space station in 2007 — might want to put up a ring to keep his girlfriend's attention.

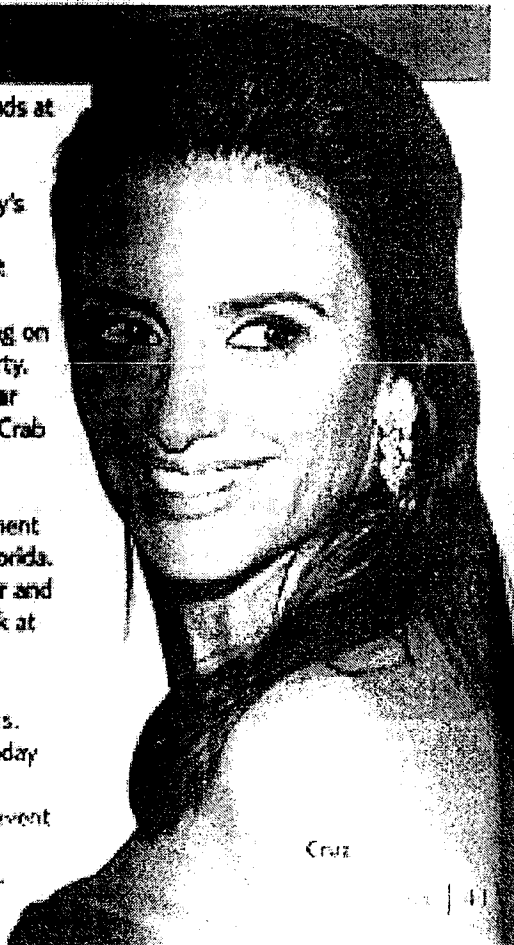
When Stewart, 41, visited *Howard Stern's* Sirius radio show December 14, she said, "I don't have a lot of offers to go out on dates.... I wish more men would ask me out." (Reps for Stewart and Simonyi had no comment.)

When Stern asked Stewart (with Simonyi last March) how much her boyfriend's worth, she said, "A lot."

## VIP Scene

- *Adrian Grenier* getting some new duds at a Club Monaco in New York City.
- *David Spade* chilling at the Motley Bird/Alliance Christmas party at Teddy's in Hollywood.
- *Penelope Cruz* talking with friends at new Hollywood hangout *Winstons*.
- *Dreamgirls'* *Jennifer Hudson* bidding on *Maxell* items at NYC's *Stuff/Caslo* party.
- *Leonardo DiCaprio* and girlfriend *Bar Refaeli* stealing kisses over dinner at *Crab House* at Pier 39 in San Francisco.
- *Mandy Moore* landing an Xbox at ex *Andy Roddick's* charity poker tournament to benefit at-risk kids in Hollywood, Florida.
- *Reese Witherspoon*, *Jennifer Garner* and *Lauren Sanchez* bonding over baby talk at *City Bakery* in L.A.'s Brentwood area.
- *Kristin Cavallari* getting a facial at *Sonya Dakar Skin Clinic* in Beverly Hills.
- *Wyde J* at the *Epic Records'* holiday party at *Kobe Club* in NYC.
- *Mario Lopez* at the *Maxim amfAR* event *Stone Rose Lounge* in L.A.

Get party tips on our Social Network at [www.fox.com](http://www.fox.com) and on our website at [www.fox.com](http://www.fox.com).



Cruz

ADVERTISEMENT

## HPNOTIZED IN L.A.



Following its Weekly's special advance screening of *Columbia Pictures' "The Holiday"* in theaters now — *HPNOTIQ* hosted a post-screening party at *W. Los Angeles* hot spot, *Santa and Sirens Lounge*. Check out these photos and delicious drink recipes from the party.

### HPNOTIQ

is a blend of super-premium vodka, natural fruit juices and a hint of Cognac. Instantly recognizable in a striking frosted bottle, *HPNOTIQ* is "the drink of choice of celebrities."



#### Holiday-tini

2 oz. *HPNOTIQ*  
1 oz. Premium Vodka  
Shake well with ice, strain into a martini glass. Garnish with a lemon slice.

#### HPNOTIQ Icele

1.5 oz. *HPNOTIQ*  
1.5 oz. White Cranberry Juice  
Serve over ice in a rocks glass. Garnish with a lemon wedge.



#### HPNOTIQ Kiss

2 oz. *HPNOTIQ*  
2 oz. Champagne  
Pour chilled *HPNOTIQ* and Champagne in a champagne flute.



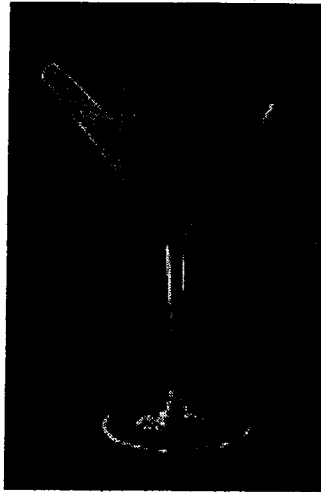
### HPNOTIQ

For more *HPNOTIQ* recipes, visit [hpnotiq.com](http://hpnotiq.com).

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## Cocktails

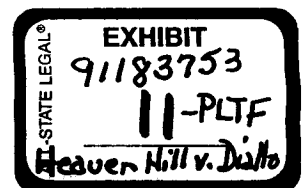
### The Halloween Hpnotist



Halloween Hpnotist

*Photo Courtesy of: © Hpnotiq Liqueur*

The Halloween Hpnotist is another great drink with a spooky, yet beautiful, look that features Hpnotiq liqueur. The drink itself is quite simple - the beautiful blue, fruit liqueur, vodka and lemon juice - but it is the unique garnish that really sets this one apart and it's not an edible garnish. What you need to do is find a bunch of 3-4 inch, blue glow sticks, crack them after you pour the drink and lay them inside the glass. The result can be seen in the photograph and the effect is dramatic and perfect for any Halloween bash.



## **Ingredients:**

- 2 oz Hpnotiq
- 1 oz super premium vodka
- splash of lemon juice
- glow stick for garnish

## **Preparation:**

1. Pour the ingredients into a cocktail shaker filled with ice.
2. Shake well.
3. Strain into a chilled cocktail glass.
4. Garnish with a lit glowstick.

Courtesy of FGPR

# FLORIDA TODAY

SERVING THE SPACE COAST

THURSDAY, OCTOBER 16, 2008

## LIFE

FEATURES EDITOR SUZY FLEMING LEONARD, sleonard@floridatoday.com or 242-3614

TASTE: EATING, DRINKING AND ENTERTAINING

### THE MAD-EYE MARTINI



Photo courtesy of HpnotiQ

- ½ ounce HpnotiQ liqueur
- 1 ounce super premium vodka
- 2 ounces lychee juice

For eyeball:

- 1 canned grade AA lychee in syrup, drained
- ¼ teaspoon cherry, strawberry or raspberry preserves
- 1 blueberry

Shake liquids with ice; strain into a martini glass. Garnish with a lychee eyeball.

To make the eyeball, dry lychee and fill with raspberry preserves. Place blueberry, blossomed end facing out, into cavity and skewer.

Halloween  
Hpnotist

Halloween  
cocktails are  
spooky and  
elegant

## Perfect potions

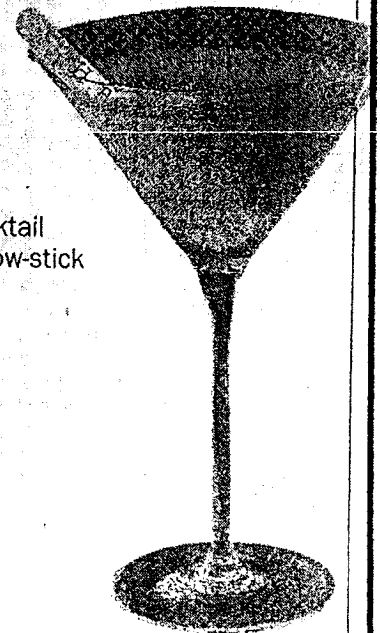
*Halloween cocktails get crazy, colorful*

BY CHRIS KRIDLER  
FLORIDA TODAY

### THE HALLOWEEN HPNOTIST

- 2 ounces HpnotiQ ►
- 1 ounce super premium vodka
- Splash of lemon juice

Combine ingredients and pour into a cocktail glass. For the extra-spooky effect, add a glow-stick garnish.



Courtesy of FGPR

ACCOUNT	
1	99 Restaurants
2	American Café
3	Anton's Airfood
4	Applebee's
5	Austin Grill
6	Bahama Breeze
7	BD's Mongolian BBQ
8	Benihana's
9	Bennigan's
10	Bertucci's
11	Bonefish
12	Bravo!
13	Buca di Beppo
14	Bugaboo Grill
15	California Pizza Kitchen
16	Cameron Mitchell
17	Capital Grille
18	Carraba's
19	Champp's
20	Chart House
21	Cheddar's
22	Cheesecake Factory
23	Chesapeake Foods
24	Chevy's
25	Chili's
26	China Grill
27	Copeland's
28	Damon's
29	Dave and Buster's
30	Doherty Group
31	Elephant Bar
32	ESPN Zone
33	Flat Top Grill
34	Fleming's
35	Fox and Hound
36	Garfield's
37	Gordon Biersch
38	Grindstone Charley's
39	Hacienda
40	Hard Rock Café
41	HMS Host
42	Houlihan's
43	House of Blues
44	Houston's
45	Howl at the Moon
46	Hyatt Corporation
47	InterContinental Hotels
48	Interstate Hotels
49	Jillian's
50	Joe's Crab Shack
51	La Paz

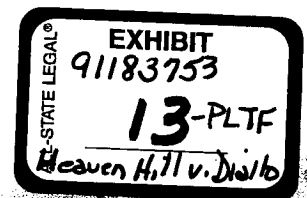


52	Landry's Seafood
53	Legal Seafood
54	Levy Restaurants
55	Loews Hotels
56	Logan's Roadhouse
57	Lone Star Steakhouse
58	Longhorn Steakhouse
59	Macaroni Grill
60	Maggiano's Little Italy
61	Main Street and Main
62	Marie Callendars
63	Marriott
64	Max and Erma's
65	McCormick and Schmick
66	Morton's
67	O'Charley's
68	Olive Garden
69	Omni Hotels
70	Outback
71	Pargo/Slades
72	PF Chang's
73	Phillips Seafood
74	Quality Dining
75	Rafferty's
76	Rainforest Café
77	Red Hot and Blue
78	Red Lobster
79	Red Robin
80	Ritz-Carlton Hotels
81	RJ Gator's
82	Roadhouse Grill
83	Rock Bottom
84	Roy's
85	Ruby Tuesday
86	Ruth's Chris
87	Shells
88	Spirit Cruises
89	Starwood Hotels
90	Steak and Ale
91	Texas Roadhouse
92	TGIFriday's
93	The Melting Pot
94	The Palm
95	Tia's Tex-Mex
96	Tony Romas
97	Tumbleweed
98	Uno Corporation
99	Wildfire
100	Yardhouse

THE BEVERAGE INFORMATION GROUP'S 2009

# LIQUOR Handbook

THE ORIGINAL SOURCE FOR DATA  
ON SPIRITS SALES AND CONSUMPTION



M2MEDIA

Liquor Handbook 2009

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Liquor Handbook

Wine Handbook

Beer Handbook

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Manager of Information Services

Eric Schmiedt

Research Analyst

Adam Rogers

Sales Executive, Handbooks

Cynthia Porter

Design/Layout

PB&J Design, Inc.

Cover Design

Adam Lane

The Beverage Information Group

An M2Media360 Company

President/CEO

Marion Minor

Vice President of Finance and Operations

Gerald Winkler

Senior Vice President/Group Publisher

Charles Forman

Associate Publisher

Anthony Bongiovanni

# LIQUOR HANDBOOK 2009

**The Beverage Information Group**

*"The Information Source for  
the Beverage Alcohol Industry"*

**A Division of M2Media360**

17 High Street, Norwalk, CT 06851

Tel: (203) 855-8499 Fax: (203) 855-9446

E-mail: [cporter@m2media360.com](mailto:cporter@m2media360.com)

Website: [www.beveragehandbooks.com](http://www.beveragehandbooks.com)

**Note Regarding Electronic Version:**

Consumption tables and charts are available on CD-ROM. Pages included on CD-ROM are indicated with a disk icon on top of page.



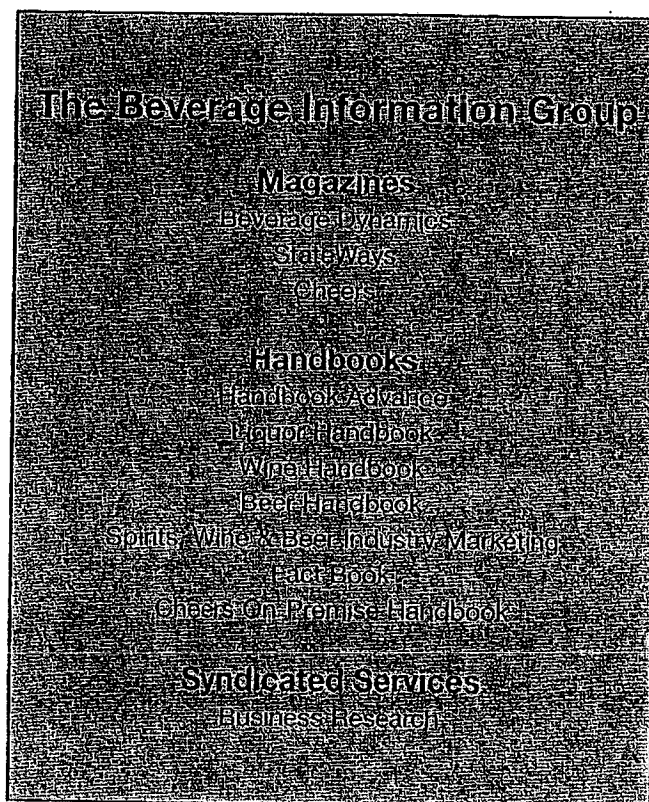
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Cynthia Porter

(630) 762-8709

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Leading Brands of Cordials & Liqueurs, 2003-2008

(thousands 9-liters Cases)



Brand	Origin	Supplier	2003	2004	2005	2006	2007	2008	07/08 %Chg
DeKuyper	USA	Beam Global Spirits & Wine	2,735	2,810	2,779	2,856	2,839	2,700	-4.9%
Southern Comfort	USA	Brown-Forman Beverages	1,322	1,389	1,448	1,537	1,513	1,462	-3.4%
Ham Walker Cordials	USA	Pernod Ricard USA	1,050	1,060	1,015	920	920	919	-0.1%
Bols Cordials	USA	William Grant & Sons	460	460	465	500	490	443	-9.6%
Amor Cordials	USA	Luxco	390	395	375	370	365	370	1.4%
Mc Boston Cordials	USA	Constellation Spirits/Barton	296	314	341	346	341	337	-1.2%
Jacquin Cordials	USA	Charles Jacquin et Cie	305	320	310	320	325	330	1.5%
Leroux	USA	Beam Global Spirits & Wine	311	309	307	305	300	302	0.7%
E & J Cask & Cream	USA	E & J Gallo Winery	505	495	492	425	400	300	-25.0%
Allen's Cordials	USA	MS Walker Inc	177	190	201	204	208	210	1.0%
Philips Cordials	USA	Philips Distilling	190	190	190	198	195	190	-2.6%
Dubouché Cordial	USA	Heaven Hill Distilleries	165	170	170	170	165	160	-3.0%
Michew Cordial	USA	Heaven Hill Distilleries	158	160	162	163	165	160	-3.0%
Amaretto di Amore	USA	Constellation Spirits/Ascender	124	138	148	157	150	152	1.3%
99 Schnapps	USA	Constellation Spirits/Ascender	85	105	109	128	146	145	-0.7%
Paramount Cordials	USA	Paramount	105	100	115	125	135	140	3.7%
Montezuma Triple Sec	USA	Constellation Spirits/Barton	113	123	126	129	139	133	-4.3%
Gatano Cordials	USA	Shaw-Ross Int'l Importers	130	132	129	126	125	125	0.0%
Montezuma Blue	USA	Constellation Spirits/Barton	143	139	132	130	100	105	5.0%
Godva	USA	Diageo	70	84	92	98	102	83	-18.6%
Ryan's Original Cream	USA	White Rock Distilleries	52	53	54	59	67	78	16.4%
Potter's Cordials	USA	Frank-Lin Distillers	70	67	67	65	63	63	0.0%
PAMA	USA	Heaven Hill Distilleries	--	--	--	50	60	62	3.3%
Starbucks	USA	Beam Global Spirits & Wine	--	2	135	97	74	47	-36.5%
Sabroso Coffee	USA	Constellation Spirits/Barton	56	55	53	45	40	35	-12.5%
Total Leading Brands			9,012	9,260	9,415	9,523	9,427	9,051	-4.0%
Others			748	742	761	712	729	719	-1.4%
Total Domestic Cordials			9,760	10,002	10,176	10,235	10,156	9,770	-3.8%
Jagermeister	Germany	Sidney Frank Importing	1,300	1,800	2,300	2,740	2,850	2,900	1.8%
Baileys	Ireland	Diageo	1,284	1,276	1,283	1,337	1,353	1,411	4.3%
Kahlua	Mexico	Pernod Ricard USA	1,250	1,260	1,255	1,240	1,211	1,098	-9.3%
Hvordiq	France	Heaven Hill Distilleries	610	630	600	610	570	510	-10.5%
Grand Marnier	France	Moët Hennessy USA	494	517	547	552	553	510	-7.8%
Ol Saronno	Italy	Bacardi USA	285	305	320	340	360	367	1.9%
Carolan's Irish Cream	Ireland	Sky Spirits USA	325	345	320	337	321	325	1.2%
Alice	France	Kobrand	580	530	485	464	380	300	-21.1%
Purple Mintz	Germany	Diageo	224	224	228	241	256	267	4.3%
Cointreau	France	Remy Cointreau USA	225	248	260	269	269	255	-5.2%
Tequila Rose Liqueur	Mexico	McCormick Distilling	163	155	211	254	232	225	-3.0%
Goldschlager	Switzerland	Diageo	221	218	218	225	231	223	-3.5%
Nikon Jack	Canada	Diageo	219	212	210	215	215	211	-1.9%
Romana Sambuca Black/Caffe	Italy	Diageo	234	236	228	227	221	206	-6.8%
Dr. McGillicuddy's	Canada	Sazerac	130	130	130	140	155	170	9.7%
Kamora	Mexico	Beam Global Spirits & Wine	194	183	179	172	166	161	-3.0%
Frangelico	Italy	William Grant & Sons	145	145	148	144	144	137	-4.9%
Tuca	Italy	Brown-Forman Beverages	91	101	115	124	134	136	1.5%
Emmet's	Ireland	Diageo	140	128	130	123	125	131	4.8%
Midori	Japan	Sky Spirits USA	141	137	140	145	140	125	-10.7%
St. Brendan's	Ireland	Luxco	140	128	120	123	120	120	0.0%
Chambord	France	Brown-Forman Beverages	150	125	120	115	103	94	-8.7%
X-Paced Fusion	France	Sky Spirits USA	--	--	--	56	61	88	44.3%
Drambuie	Scotland	Bacardi USA	90	90	87	87	87	85	-2.3%
B & B / Benedictine	France	Bacardi USA	90	88	83	85	85	81	-4.7%
Aguardiente Cristal	Colombia	Shaw-Ross Int'l Importers	100	100	95	90	85	80	-5.9%
Niño	France	Diageo	--	--	--	--	1	73	++
Patron Carónge	Mexico	The Patron Spirits Company	13	16	22	41	60	72	20.0%
Black Haus	Germany	Diageo	98	87	79	75	69	63	-8.7%
Caravela	Italy	Constellation Spirits/Ascender	12	18	25	35	45	60	33.3%
Campani	Italy	Sky Spirits USA	49	49	53	55	55	52	-5.5%
ish Manor	Ireland	Charles Jacquin et Cie	--	--	30	50	50	50	0.0%
Patron XO Café	Mexico	The Patron Spirits Company	3	8	16	24	30	50	66.7%
Baja Creams	Mexico	White Rock Distilleries	70	58	54	53	48	44	-8.3%
Kapali Coffee	Mexico	White Rock Distilleries	55	53	49	46	42	40	-4.8%
Total Leading Brands			9,125	9,610	10,140	10,834	10,827	10,720	-1.0%
Others			433	452	409	321	325	320	-1.5%
Total Imported Liqueurs			9,558	10,062	10,549	11,155	11,152	11,040	-1.0%
Total Leading Brands			18,137	18,870	19,555	20,357	20,254	19,771	-2.4%
Others			1,181	1,194	1,170	1,033	1,054	1,039	-1.4%
Total Cordials & Liqueurs			19,318	20,064	20,725	21,390	21,308	20,810	-2.3%

**Local Print Media Schedule, FY '10**

**Sweepstakes:**

**Adjusted Budget:**

Revision #

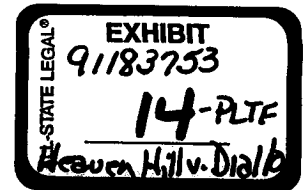
07/30/07

[illegible]

Q.O.#:

APPROVED BY:

Date:



*May 2008 - April 2009 Consumer Schedule*

**Sweepstakes:**

Revision #

[illegible]

(Rates are subject to change without notice. Cancellations may cause short rates.)

\*\*\*Estimated Rate

**Budget:**  
**Over/Under:**

P.O. #:

APPROVED BY:

Date:

# HPNOTIQ

## May 2007 - April 2008 Consumer Schedule

Mainstream - Primary: Adults 21-34, 70/30 F/M, HHI > \$75K Urban - Adults 21-34, HHI > \$50K  
 Sweepstakes: June, July, August and September 2007. Budget: \$2,783,794 Revision #1: 02/15/07

PUBLICATIONS	Circ.	2007	May	June	July	August	September	October	November	December	2008	January	February	March	April	Total
<b>MAINSTREAM</b>																
<b>COSMOPOLITAN</b>	2,932,554	Pre-1/2-Mixability Ad Rum HQ06-RU 2/20 2/20 4/10 On-Sale Date: 4/10														
Ad Name:		Post-1/2-Mixability Ad Martini HQV06-M 4/17 4/17 6/5 On-Sale Date: 6/5														
Ad Code:		1/2-Col Bonus in Buzzworthy Martini HQV06-M 4/17 4/17 6/5														
Space Close:		Tequila HQ06-TQ 7/24 7/24 9/11														
Materials Close:		Champagne HQ06-CH 9/25 9/25 11/13														
On-Sale Date:		\$0														
<b>COSMOPOLITAN.COM (Hot Spot)</b>	800,000	Rum HQ06-RU 3/19 3/19 5/22 On-Sale Date: 5/22														
Ad Name:		Fashion To L Post Ad Tequila HQ06-TQ 6/19 6/19 8/21														
Ad Code:		Champagne HQ06-CH 9/19 9/19 11/20														
Space Close:		Tequila HQ06-TQ 11/15 11/21 12/19														
Materials Close:		Champagne HQ06-CH 9/19 9/19 11/20														
On-Sale Date:		11/20														
<b>HOLLYWOOD LIFE</b>	270,975	Event: Young Hot Hollywood Award Martini HQV06-M 3/16 3/23 5/2 On-Sale Date: 5/2														
Ad Name:		Rum HQ06-RU 5/11 5/18 6/27														
Ad Code:		Martini HQV06-M 3/16 3/23 5/2														
Space Close:		Martini HQV06-M 7/6 7/13 8/22														
Materials Close:		Champagne HQ06-CH 8/31 9/7 10/17														
On-Sale Date:		Tequila HQ06-TQ 11/15 11/21 12/19														
<b>INSTYLE</b>	1,700,000	Rum HQ06-RU 5/21 5/21 7/20 On-Sale Date: 7/20														
Ad Name:		Martini HQV06-M 3/16 3/23 5/2														
Ad Code:		Tequila HQ06-TQ 3/25 3/25 5/25 On-Sale Date: 5/25														
Space Close:		Rum HQ06-RU 5/21 5/21 7/20														
Materials Close:		Martini HQV06-M 8/20 8/20 10/19														
On-Sale Date:		Champagne HQ06-CH 9/17 9/17 11/16														
<b>InStyle.com</b>	1.6 Million	Program to be built around Hpnotiq needs. (Note: InStyle.com already has an existing sweepstakes event called "The Goods Sweepstakes" - 2 Mo. Approx. \$15,000 to participate - shared sweepstakes area under "about InStyle")														
Average Unique Visitors per Month:		Spring														
<b>InStyle WEDDINGS</b>	250,000	Fall														
Ad Name:		Summer														
		Summer														

# HPNOTIQ May 2007 - April 2008 Consumer Schedule

Mainstream - Primary: Adults 21-34, 70/30 F/M, HHI >\$75K Urban - Adults 21-34, HHI >\$50K Sweepstakes: June, July, August and September 2007. Budget: \$2,763,794 Revision #1: 02/15/07

PUBLICATIONS	Circ.	2007												2008				Total
		May	June	July	August	September	October	November	December	January	February	March	April					
<b>ROLLING STONE</b>  Ad Code: Space Close: Materials Close: On-Sale Date:	1,432,816	5/31 Issue	6/28 Issue	7/26 Issue	8/24 Issue	9/6 Issue			12/26-1/9 Issue			HQ06-CH 1/15 1/15 3/30						
		Tequila HQ06-TQ 4/27	1/4-Pk Svenska Ad Rocks HQ06-RO 5/25			Fall Fashion 1/4-Pk Svenska Ad Rum HQ06-RU 8/3			Artist of the Year Champagne HQ06-CH 11/21									
		4/27	5/25			8/3			11/21									
		5/18	6/15			8/24			12/14									
<b>ROLLING STONE MAGAZINE.COM</b>  NETWORK: RollingStone.com Rhapsody.com Real Guide/Real Player Monthly unique audience: 38+ Million		(Approx. 2-Month Program) Program will be optimized through the three sites - depending on weekly best results). Music news on the Web. The #1 music subscription service available. Highest quality of video and audio content brought together - through computers.																

HPNOTIQ

**Budget: \$2,763,794**      **Revision #1: 02/15/07**

**Mainstream - Primary: Adults 21-34, 70/30 F/M, HHI >\$75K**

[illegible]

## Ad Designations...

HQ-Tequila: Hqno-Rita  
HQV-Martini: Hqno-Tini

HQUR-Champagne: Bubbles 'n Blue  
HQUR-Rocks: Blue Storm  
HQUR-Rum: Breeze

For Affidavit 2007-2008 HPNOTO CONSUMER w-INTERNET TEST - 2-15-07 Rev #1: w-cut breaks x's

Keller Cmscent Media / JF

*May 2007 - April 2008 Consumer Schedule*

**Sweepstakes:** June, July, August and September 2007.

Mainstream - Primary: Adults 21-34, 70/30 F/M, HHI >\$75K  
Urban - Adults 21-34, HHI >\$50K

**Budget: \$2,763,794**

Revision #1: 02/15/07

[illegible]

HQV-Rocks: Blue Storm

APPROVED BY: Max Shapira, President

Date: 2/06/07

P.O. #: 42216

*May 2007 - April 2008 Consumer Schedule*

Mainstream - Primary: Adults 21-34, 70/30 F/M, HHI >S75K  
 Urban - Adults 21-34, HHI >\$50K  
 Sweepstakes: June, July, August and September 2007.  
 Budget: \$2,763,794  
 Revision #: 02/15/07

PUBLICATIONS	Circ.	2007		(Minimum Programs per site)												Total		
		May	June	July	August	September	October	November	December	2008	January	February	March	April				
ONLINE TEST - APRIL 2007 (Tentatively)																		
ELLE.COM	TOTAL IMPRESSIONS	195,000	Ad Sizes to Test														TOTAL	
			336 x 600	Half Pg	ROS	Run of Site	Runway Shows, Fashion, Shopping											
			300 x 250	Big Box	ROS													
			728 x 90	Leaderboard Wide	ROS													
			160 x 600	Skyscraper	ROS													
STYLE.COM	TOTAL IMPRESSIONS	100,000	300 x 250	ROS	Fashion, People & Parties SlideShow													
		100,000	728 x 90	ROS														
		100,000	160 x 600	ROS														
PEOPLE.COM	TOTAL IMPRESSIONS	350,000	728 x 90	ROS	News, Insider, Photo Gallery channels													
		300,000	300 x 250	ROS	News, Insider, Photo Gallery channels													
		393,340	300 x 250	ROS	Style Channel (What's on Sale and Off The Rack blog pages)													
MEN.STYLE.COM	TOTAL IMPRESSIONS	100,000	300 x 250	ROS	Fashion, Gadgets, News													
		100,000	728 x 90	ROS														
ASKMEN.COM	TOTAL IMPRESSIONS	500,000	300 X 250	ROS	Top 99, Fashion & Lifestyle, Entertainment & Reviews													
EVITE.COM	TOTAL IMPRESSIONS	100,000	300 x 250	ROS	Planning Ideas - Party Planning Stages, Share Party Ideas, Gifts													
			728 x 90	ROS														
TOTAL ONLINE TEST:		2,338,340														\$0		

**Note:** Cosmopolitan.com is currently launching a stand-alone site - away from ivillage.com - and Kpinotiq may want to consider it at a later date. Some rates are estimated, subject to change without notice... and are subject to barter process.

**Test Cost per Click Thru: Cost per Impressions**

Creative: Various size ads: Static and Rich Media backgrounds per each size unit

Product: Martini

APPROVED BY: Max Shapira, President

P.O.#:

42216

Date: 2/06/07

# HPNOTIQ

## May 2006 - April 2007 Consumer Schedule

Revision #7 04/06/06

PUBLICATIONS	Circ.	2006 May	June	July	August	September	October	November	December	2007 January	February	March	April	Total
<b>REGIONALS</b>														
<b>New York</b>														
<b>GOTHAM</b>	57,936		Summer	(No Issue)	(No Issue)	Fall Fashion		Holiday Gift Guide	Dec/Jan Issue	(Jan Yearbook)				
Ad Name:			Rum			Rocks		Champagne						
Ad Code:			HQV06-RU			HQV06-RO		HQ06-CH						
Space Close:			4/13			7/11		9/12						
Materials Close:			4/21			7/28		9/22						
On-Sale Date:			5/26			8/26		10/23						
<b>Miami</b>														
<b>OCEAN DRIVE</b>	47,292	(Summer Coolers)					(Recipe & Photo)							
Ad Name:			Rocks			Rum		Merlot						
Ad Code:			HQV06-RO			HQ06-RU		HQV06-M						
Space Close:			4/6			7/13		8/10						
Materials Close:			4/13			7/20		8/17						
On-Sale Date:														
<b>Atlanta</b>														
<b>ATLANTA PEACH</b>	50,000	Summer Issue					Holiday Issue							
Ad Name:			Rum			Rocks		Champagne						
Ad Code:			HQ06-RU			HQV06-RO		HQ06-CH						
Space Close:			5/25			8/25		10/19						
Materials Close:			5/31			8/31		10/25						
On-Sale Date:														
<b>MAINSTREAM</b>														
<b>GQ-Gentlemen's Quarterly</b>	800,000													
Ad Name:			Rum			Fashion		Rocks						
Ad Code:			HQ06-RU			HQ06-TQ		HQV06-RO						
Space Close:			3/19			6/19		8/21						
Materials Close:			3/19			6/19		8/21						
On-Sale Date:			5/27			8/26		10/24						
<b>HOLLYWOOD LIFE</b>	270,975	Young Hollywood												
Ad Name:														
Ad Code:														
Space Close:														
Materials Close:														
On-Sale Date:														

# HPNOTIQ

## May 2006 - April 2007 Consumer Schedule

Revision #7 04/06/06

PUBLICATIONS	Circ.	2006 May	June	July	August	September	October	November	December	2007 January	February	March	April	Total
(Bt-Monthly)														
Space Close:		3/16		5/11		7/6		8/31						
Materials Close:		3/23		5/18		7/13		9/7						
On-Sale Date:		5/2		6/27		8/22		10/17						
INSTYLE	1,700,000		Tequila HQ06-TQ		Emmas Rum HQ06-RU	Fall Fashion Rocks HQV06-RO		Holiday Gift Guide Rocks HQV06-RO	Champagne HQ06-CH					
(Monthly)														
Space Close:			3/29		8/17	6/23		8/21	9/20					
Materials Close:			3/29		8/17	6/23		8/21	9/20					
On-Sale Date:			5/28		7/14	8/20		10/20	11/17					
Instyle WEDDINGS	250,000			Summer		Fall				Winter		Spring Champagne HQ06-CH		
(Quarterly)														
Space Close:														
Materials Close:														
On-Sale Date:														
ROLLING STONE	1,268,999	5/18 Issue				9/7 Issue			12/28-1/11 Issue					
(24 Times per Year)														
Ad Name:		1,000th Issue				Fall Fashion Rocks HQV06-RO			Adrian of the Year Mermaid HQV06-M					
Ad Code:		Tequila HQ06-TQ												
Space Close:		4/14				8/4			11/24					
Materials Close:		4/14				8/4			11/24					
On-Sale Date:		5/5				8/25			12/15					
US WEEKLY	1,674,267			7/17 Issue		9/25 Issue	10/2 Issue	11/27 Issue	12/4 Issue					
(Weekly)														
Ad Name:				Weddings Champagne HQ06-CH	Emmas Rum HQ06-RU	Tequila HQ06-TQ	Winter Movie Mermaid HQV06-M		Champagne HQ06-CH					
Ad Code:														
Space Close:				6/19	8/28	9/2	10/30	11/6						
Materials Close:				6/19	8/28	9/2	10/30	11/6						
On-Sale Date:				7/7	9/15	9/22	11/17	11/24						
URBAN ESSENCE	1,063,645													
(Monthly)														
Ad Name:														
Ad Code:														
Space Close:														
Materials Close:														
On-Sale Date:														

**HPNOTIQ**

*May 2006 - April 2007 Consumer Schedule*

Revision #7 04/06/06

[illegible]

## HPNOTIQ

## May 2005 - April 2006 Consumer Schedule

Revision #19 09/19/05

PUBLICATIONS	Circ.	2005	June	July	August	September	October	November	December	2006	January	February	March	April	Total
<b>MAINSTREAM / REGIONALS</b>															
<b>New York</b>															
<b>GOTHAM</b>															
Ad Name:	62,000		Summer	No issue	No issue	HPNOTIQ #1		CIA Guide					HPNOTIQ #4		
Ad Code:			HQ03-4			HQ04-1		HQ04-2					HQ03-4		
Space Close:			4/14			7/14		9/15					1/15		
Materials Close:			4/22			7/22		9/29					1/22		
On-Sale Date:			5/28-8/26			8/27-9/23		10/29-11/25					2/27-3/25		
<b>HAMPTONS</b>															
Ad Name:	37,179		Issue 2	Issue 9	Issue 12										
Ad Code:			Swimming/Fashion	Luxury Issue	Travel & Real Estate										
Space Close:			5/12	6/30	7/21										
Materials Close:			5/20	6/9	7/29										
On-Sale Date:			June 3-9	July 22-28	Aug 12-18										
<b>Miami</b>															
<b>OCEAN DRIVE</b>															
Ad Name:	48,413		Issue 5		Issue 14										
Ad Code:	415,000		HPNOTIQ #1	HPNOTIQ #1	Full Fashion										
Space Close:			3/14	5/13	8/4										
Materials Close:			4/1 Ext	5/20	8/12										
On-Sale Date:			June 24-30		Aug 26-Sep 1										
<b>Las Vegas</b>															
<b>VEGAS</b>															
Ad Name:	80,000		HPNOTIQ #4	2nd Anniversary	HPNOTIQ #1										
Ad Code:			HQ03-4	HPNOTIQ #1	HQ04-1										
Space Close:			4/23	5/21	5/21										
Materials Close:			4/23	5/21	5/21										
On-Sale Date:															

For HPNOTIQ Media Schedule, rates are subject to change without notice.

Kaiser Crestview Media Department 7/7

*May 2005 - April 2006 Consumer Schedule*

Revision #19  
09/19/05[illegible]

## HPNOTIQ

## May 2005 - April 2006 Consumer Schedule

Revision #19 09/19/05

PUBLICATIONS	Circ.	2005 May	June	July	August	September	October	November	December	2006 January	February	March	April	Total
(Bt-Monthly)			HPNOTIQ #1 HQ04-1 5/20 5/25											
On-Sale Date:														
<b>EPICUREAN</b>														
WINE ENTHUSIAST	102,615	Cover 4 HPNOTIQ #4 HQ04-4 2/25 3/4 4/13					HPNOTIQ #3 HQ04-3 7/29 8/5 8/27							
(16 Times per Year)														
On-Sale Date:														
WINE SPECTATOR	361,781	5/31 HPNOTIQ #1 HQ04-1 3/19 3/24 5/15		HPNOTIQ #4 HQ03-4 5/4 5/11 7/1										\$0
(17 Times per Year)														
On-Sale Date:														
<b>FASHION</b>														
INSTYLE	1,700,000		HPNOTIQ #1 HQ04-1 3/29 3/29 5/28		HPNOTIQ #4 HQ03-4 6/23 6/23 8/20				HPNOTIQ #2 HQ04-2 9/22 9/22 11/19			HPNOTIQ #3 HQ04-3 12/15 12/15 2/20		
(Monthly)														
On-Sale Date:														
W	467,758	W Hit for Fall HPNOTIQ #4 HQ04-4 3/7 3/15 4/8			HPNOTIQ #1 HQ04-1 6/7 6/15 7/9			What's Hot HPNOTIQ #2 HQ04-2 9/5 9/13 10/8						
(Monthly)														
On-Sale Date:														
<b>MEN'S</b>														
GO-Gentlemen's Quarterly	775,000 800,000		HPNOTIQ #1											\$0
Rate by effective 6/05:														
On-Sale Date:														



## HPNOTIQ

## May 2005 - April 2006 Consumer Schedule

Revision #19 09/19/05

PUBLICATIONS		Circ.	2005	June	July	August	September	October	November	December	2006	January	February	March	April	Total
(6 Times Per Year)																
KING	Space Close:			4/6		6/7		8/10					12/3			
	Materials Close:			4/18		6/19		8/22					12/15			
	On-Sale Date:			5/31		8/2		10/1					2/3			
(8 Times)	Ad Name:	227,323	Spring Fashion			Summer Styles					Holiday Gift Guide Bonus 1/2-Page		1/3-Pg Bonus			
	Ad Code:		HQ SMOOTH HQ05-Smooth			HQ BLUEPRINT HQ04-Blueprint					HQ SMOOTH HQ05-Smooth		HQ BLUEPRINT HQ04-Blueprint			
	Space Close:		1/18			5/3							11/15			
VIBE	Materials Close:		2/1			5/17					9/27		11/29			
	On-Sale Date:		3/15			6/28					11/18		1/10			
	Ad Name	650,186														
Subscribers Only	Ad Code:			HQ SMOOTH HQ05-Smooth			HQ BLUEPRINT HQ04-Blueprint					HQ SMOOTH HQ05-Smooth				
	Space Close:			3/28		6/27						10/18				
	Materials Close:			3/30		6/29						10/20				
(Monthly)	On-Sale Date:			4/15		8/12						12/3				

# HPNOTIQ

## May 2004 - April 2005 Consumer Schedule

Revision #14 11/11/04

PUBLICATIONS	Circ.	2004	June	July	August	September	October	November	December	2005	January	February	March	April	Total
<b>MAINSTREAM</b>															
<b>TIER ONE</b>															
<b>New York</b>															
<b>DAN'S HAMPTON STYLE</b>	25,000	5/10		7/4	8/2	9/6	10/18								
Ad Name:		HQ-BRIDE		HPNOTIQ #1	HPNOTIQ #2	HPNOTIQ #3	HPNOTIQ #3								
Ad Code:		HQ04-Bride		HQ04-1	HQ04-2	HQ04-3	HQ04-3								
Space Close:		4/22		6/7	7/19	8/16	9/27								
Materials Close:		4/30		6/17	7/29	8/26	10/7								
On-Sale Date:															
<b>GOTHAM</b>	62,000	5/31		7/19	8/16										
Ad Name:		HPNOTIQ #1		HPNOTIQ #1	HPNOTIQ #2										
Ad Code:		HQ04-1		HQ04-1	HQ04-2										
Space Close:		5/10		6/21	7/26										
Materials Close:		5/20		7/8	8/5										
On-Sale Date:															
<b>Los Angeles</b>															
<b>BRENTWOOD</b>	70,000	3/25		5/25	6/3	7/1									
Ad Name:		HPNOTIQ #1		HPNOTIQ #1	HPNOTIQ #2										
Ad Code:		HQ04-1		HQ04-1	HQ04-2										
Space Close:		4/14 Final Ext.		5/25	6/3	7/1									
Materials Close:		5/1		6/3	7/1										
On-Sale Date:															

## HPNOTIQ

## May 2004 - April 2005 Consumer Schedule

Revision #14 11/11/04

PUBLICATIONS	Circ.	2004 May	June	July	August	September	October	November	December	2005 January	February	March	April	Total
<b>LA CONFIDENTIAL</b>  Ad Name: Ad Code:  Space Close: Materials Close: On-Sale Date:	70,000						Fall Fashion/Ents HPNOTIQ #1 HQ04-1  7/28 8/6 9/1-10/31	Holiday/Best of NY/Power Plays HPNOTIQ #1 HQ04-1  9/29 10/7 11/1-12/31				Spring Fashion/Oceans HPNOTIQ #2 HQ04-2  1/28 2/5 2/26-5/31		
<b>Chicago</b>  CS  (11 Times per Year)	76,729		Summer HPNOTIQ #1 HQ04-1 4/15 4/15 6/4	Hot Live/Fall Fashion HPNOTIQ #1 HQ04-1 5/15 5/15 7/2	Bottom Ad HPNOTIQ #1 HQ04-1 6/15 6/15 8/2	HPNOTIQ #2 HQ04-2 7/15 7/15 9/2		Holiday Clubs HPNOTIQ #2 HQ04-2 9/15 9/15 10/29	New Yr Eve Ent. HPNOTIQ #3 HQ04-3 10/5 10/5 12/3			Fashion/Home Design HPNOTIQ #3 HQ04-3 1/15 1/15 3/5		
<b>Miami</b> <b>OCEAN DRIVE</b> Wine & Food Festival Edition  Ad Name: Ad Code:  Space Close: Materials Close: On-Sale Date:	48,413 415,000		HPNOTIQ #1 HQ04-1 3/14 4/1 Ext 4/25	HPNOTIQ #1 HQ04-1 5/13 5/20	HPNOTIQ #1 HQ04-1	HPNOTIQ #2 HQ04-2 7/11 7/18	HPNOTIQ #2 HQ04-2 5/15 8/22		HPNOTIQ #3 HQ04-3 10/10 10/17	HPNOTIQ #3 HQ04-3 11/12 11/16	Wine & Food Festival HPNOTIQ #1 HQ04-1 12/13 12/20	HPNOTIQ #2 HQ04-2 1/12 1/16		
<b>Las Vegas</b> <b>VEGAS</b>  (10 Times per Year)	80,000	(No Issue)	HPNOTIQ #1 HQ04-1 4/23 4/23	1st Anniversary HPNOTIQ #1 HQ04-1 5/21 5/21	HPNOTIQ #1 HQ04-1	HPNOTIQ #2 HQ04-2 7/24 7/24	(No Issue)	(No Issue)	HPNOTIQ #2 HQ04-2 10/24 10/24	HPNOTIQ #2 HQ04-2 12/26 12/26	(No Issue)			
<b>Atlanta</b> <b>JEZEBEL</b>  (Monthly)	25,000		HPNOTIQ #1 HQ04-1 5/1 5/1	HPNOTIQ #1 HQ04-1 6/6 6/6			HPNOTIQ #2 HQ04-2 8/29 8/29	HPNOTIQ #2 HQ04-2 10/31 10/31	HPNOTIQ #3 HQ04-3 1/8 1/8	HPNOTIQ #3 HQ04-3 4/4 4/4				

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PUBLICATIONS		Circ.	2004		June	July	August	September	October	November	December	2005	January	February	March	April	Total
AFFLUENT / NICHE PUBLICATIONS																	
VANITY FAIR Top Markets (Monthly)	Ad Name:	644,752															
	Ad Code:																
	Space Close:																
	Materials Close:																
SKI (8 Times per Year)	On-Sale Date:																
	Ad Name:	455,793															
	Ad Code:																
	Space Close:																
W (Monthly)	Materials Close:																
	On-Sale Date:																
	Ad Name:	467,758															
	Ad Code:																
WINE ENTHUSIAST (14 Times per Year)	Space Close:																
	Materials Close:																
	On-Sale Date:																
	Ad Name:	102,615															
WINE SPECTATOR (17 Times per Year)	Ad Code:																
	Space Close:																
	Materials Close:																
	On-Sale Date:																



*May 2004 - April 2005 Consumer Schedule*

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PUBLICATIONS		Circ.	2004	June	July	August	September	October	November	December	January	February	March	April	Total
ARCHITECTURAL DIGEST		828,730		HPNOTIQ #1 HQ04-1 3/19 4/1 ExL 5/11	HPNOTIQ #1 HQ04-1 4/20 4/20 6/13				HPNOTIQ #2 HQ04-2 8/20 8/20 10/11						
(Monthly)															
FOOD & WINE		964,206		HPNOTIQ #1 HQ04-1 3/27 3/29 5/15	HPNOTIQ #1 HQ04-1 4/26 4/29 6/15				HPNOTIQ #2 HQ04-2 9/29 10/2 11/18				HPNOTIQ #3 HQ04-3 12/19 12/21 2/18		
(Monthly)															
INTERVIEW		200,010	Irregularly... HQ00 2/20 3/5 4/27	HPNOTIQ #1 HQ04-1 3/19 4/1 5/25			HPNOTIQ #1 HQ04-1 6/17 7/1 8/24					HPNOTIQ #2 HQ04-2 11/20 12/4 1/20			
(Monthly)															
SURFACE		121,000		HPNOTIQ #1 HQ04-1 3/15 4/26 ExL 6/1	HPNOTIQ #1 HQ04-1 3/30 4/15 7/1								HPNOTIQ #2 HQ04-2 12/30 1/15 3/1		
(6 Times per Year)															
ZINK		200,010								HPNOTIQ #1 HQ04-1 11/5 11/5 11/28					
(16 Times)															

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		May	April								January	January				
VARIETY V LIFE MAGAZINE (7 Times per Year)	34,828	April May Issue Occur Wrap-Up HPNOTIQ #1 HQ04-1		Summer Issue		(No Issue)	Empty HPNOTIQ #1 HQ04-1	Full Fashion HPNOTIQ #2 HQ04-2	Decorative Issue Occur Holiday HPNOTIQ #2 HQ04-2	Collectors Issue HPNOTIQ #3 HQ04-3	Occur HPNOTIQ #3 HQ04-3	Occur HPNOTIQ #3 HQ04-3	Occur HPNOTIQ #3 HQ04-3	Occur HPNOTIQ #3 HQ04-3	Occur HPNOTIQ #3 HQ04-3	Occur HPNOTIQ #3 HQ04-3
		3/8					7/5	8/23	10/25							
		3/26 Exl					7/26	9/13	11/12							
		4/15					7/17	10/15	12/16							
PRIVATE CLUBS (Bi-Monthly)	211,293	HPNOTIQ #1 HQ04-1		HPNOTIQ #1 HQ04-1	HPNOTIQ #1 HQ04-1	HPNOTIQ #1 HQ04-1			HPNOTIQ #2 HQ04-2	HPNOTIQ #2 HQ04-2					HPNOTIQ #3 HQ04-3	
		3/24														
		3/31														
		4/19														
ELITE TRAVELER (Bi-Monthly)	131,428	HPNOTIQ #1 HQ04-1		HPNOTIQ #1 HQ04-1	HPNOTIQ #1 HQ04-1	HPNOTIQ #1 HQ04-1			HPNOTIQ #2 HQ04-2	HPNOTIQ #2 HQ04-2						
		3/8 Exl														
		3/30 Exl														
Grace Ormonde Wedding Style (Annual)	400,000										HPNOTIQ #3 HQ04-3	11/3 11/10				
InStyle WEDDINGS (Semi-Annual)	250,000										HQ BRIDE HQ04-Bride	7/1 8/16 January				

# HPNOTIQ

## May 2004 - April 2005 Consumer Schedule

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PUBLICATIONS	Circ.	2004 May	June	July	August	September	October	November	December	2005 January	February	March	April	Total
<b>ELEGANT BRIDE</b> (3 Times Per Year)	102,731		Full Irregularly... HQ04-Bride						Winter BQ BRIDB HQ04-Bride 7/21 7/31 9/14			(Spring)		
<b>SOMA</b> (10 Times Per Year)	90,000		HPNOTIQ #1 HQ04-1 4/26 Excl 4/27 Excl 1st Wk of May	HPNOTIQ #1 HQ04-1 5/10 6/1 6/25	HPNOTIQ #2 HQ04-2 6/10 7/1 7/25	HPNOTIQ #2 HQ04-2 7/1 8/1 8/25								
<b>W HOTELS BOOK</b> (Annual)	5,889					HPNOTIQ #1 HQ04-1 6/18 Bxt 7/22 6/25 Bxt 7/26 09/04								
<b>GENRE</b> (10 Times per Year)	120,000	Bonus Ad Irregularly... HQ03 3/12 Excl 3/17 Excl 4/20	TOC HPNOTIQ #1 HQ04-1 3/30 4/13 5/25	HPNOTIQ #1 HQ04-1 5/4 5/18 6/29	HPNOTIQ #1 HQ04-1 8/3 8/17 9/28	HPNOTIQ #2 HQ04-2 8/31 9/14 10/26	HPNOTIQ #2 HQ04-2 9/28 10/12 11/23	HPNOTIQ #3 HQ04-3 12/30 1/13 2/23						

*May 2004 - April 2005 Consumer Schedule*

Revision #14 11/11/04

[illegible]

***Heaven Hill Distilleries, Inc. vs. Yassin Patrice Diallo***  
**Opposition No. 91183753**

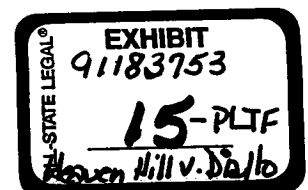
**Trial Testimony Deposition Exhibits**  
**J. Ames (Volume 2; No. 16)**

*Rubber banded together separately*

# HPNOTIQ

## 2008-2009 GROSS IMPRESSIONS

PUBLICATION	CIRCULATION	READERS PER COPY	PER ISSUE IMPRESSIONS	NO. OF INSERTIONS	TOTAL GROSS IMPRESSIONS
<b>Cosmopolitan</b>	2,947,220	6.59	19,422,180	4	77,688,719
<b>InStyle</b>	1,760,541	5.21	9,172,419	<u>4</u>	<u>36,689,674</u>
<b>Total Mainstream:</b>				<b>8</b>	<b>114,378,394</b>
<b>Ocean Drive</b>	55,000	6.00	330,000	<u>6</u>	<u>1,980,000</u>
<b>Total Regionals:</b>				<b>6</b>	<b>1,980,000</b>
<b>GRAND TOTAL GROSS IMPRESSIONS:</b>				<b>14</b>	<b>116,358,394</b>



AT HOME | IMBIBE

20887 fg-132

# THE Boy Who Would Be King

Just when you thought the spirits market was filled to the brim, a local Hamptoneite steps in and finds there's always room at the top. by Tracey Toomey

IT SEEMS LIKE EVERY TIME you go to a club or event during the summer, you find a makeshift red carpet with a backdrop heralding the names of several spirit and beer brands. Indeed, a lot of the invitations for said parties start off with something like: "Heineken and Grey Goose invite you to..." or "Krug Champagne and Hypnotiq request your presence at..."

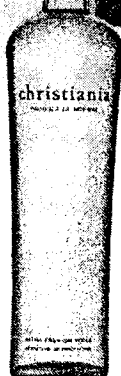
The Hamptons season is only 15 weeks long. That means the big brands have only 15 Saturday nights to plaster their names and logos all over the hot spots of the East End in hopes of ingratiating themselves with the power players of New York's famed social scene. The problem is, the market becomes so saturated that the brands seem to meld together, and by Labor Day we've all sampled so many "luxury vodkas" that we can't tell the difference between "five-times distilled" and "filtered through Champagne limestone." To get noticed in this market, you really have to—pardon the pun—shake things up.

Enter Kevin Richards, longtime East End resident and CEO of Christiania vodka. "In looking at what the Hamptons has become for marketers, we felt the best approach was to go back to what the Hamptons has always been about: private get-togethers, cocktail parties, dinners—things like that," he says. "We decided to make Christiania the 'house vodka'... in people's houses!"

Richards' strategy makes sense. Before the Hamptons became a bastion of velvet ropes and intimidating clipboard-borne downers, the majority of socializing was



Kevin Richards



done in private homes. Still, the question remains: Is there room in this insanely cluttered market for yet another ultrapremium vodka? Richards believes there is. "We're a luxury brand," he says. "Artisan. Bohemian. So we're going to work a little harder. And instead of doing one party for 1,000 people, we'll do 20 parties for 50 people each. It's more legwork, but it's worth it to us."

The ultrapremium Norwegian vodka is six-times distilled, charcoal filtered, and aerated using only Norwegian potatoes and pure spring water. And while it

seems that the high-end vodka market has already been cornered by heavy hitters like Grey Goose, Belvedere, and Ketel One, apparently quality still trumps all—including massive marketing engines. In the Hamptons, in addition to being a first choice at many private parties, Christiania is now offered by many top restaurants, including Nick & Toni's, the American Hotel, Della Fenuña, and Nello Summertime's.

"Instead of doing one party for 1,000 people, we'll do 20 parties for 50 people each. It's more legwork, but it's worth it to us." —Kevin Richards, CEO of Christiania vodka

Maybe that's because Christiania vodka has a storied history involving royalty, art, and aristocracy—elements that appeal to our own regal Hamptoneites. King Christian IV, the vodka's namesake, conquered Norway in the late 1500s and brought with him the bounties of the Renaissance—art, culture, music, and the nobility's drink of choice: vodka. Richards says that it was in King Christian's court that the initial recipe for Christiania vodka was first created.

In order to make the most of the relatively low-key Hamptons winter season, we suggest inviting a few friends over for a batch of martinis made with, of course, the East End's favorite "house" vodka. H

## Spirits | Tastes

# A Lesson in Liqueurs

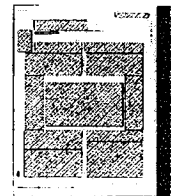
BY JACK BETTRIDGE

In a former life, I bluffed my way onto a luxury charter yacht as a steward, a position that required me to mix and serve drinks, even though I was a mixology neophyte. I faked it pretty well, and it was a while before I had to admit that certain aspects of bartending escaped me. That day arrived when I was exploring the extensive liquor collection in *Gitana IV*'s hull and came upon a crate marked "liqueurs and aperitifs." Inside were challenging potions with odd names, strange herbal bouquets, claims of proprietary recipes and references to monastic heritage.

Bewildered, I asked a crewmember if they got many calls for these elixirs. "They're for cocktails," he said. "Put Campari and vermouth together with gin and you have a Negroni. Brandy and crème de cacao is a Brandy Alexander. The Grand Marnier and Cointreau are for margaritas. Drambuie is made from Scotch and goes in a Rusty Nail..."

The list went on and the point was made: Liqueurs are the building blocks of classic drinks. That's not to say that drinkers, especially in Europe, don't take them neat, but in America, liqueurs basically touched off the first cocktail revolution. And they continue to drive our modern cocktail culture as new products pop up and creative bartenders put them to good use.

Liqueurs enjoy an enormous breadth of complex flavors, courtesy of the sweet and/or spicy essences that are infused, distilled or percolated into them. Medieval monks developed the first liqueurs



as cures. Originally herbs and fruit were used, but the flavor spectrum has widened to include coffee, chocolate and nuts. The base spirit was traditionally brandy, but that scope is also larger today. Alcohol content tends to be lower than in whiskies and brandies, generally hovering around 20 percent, but can also be scorching (absinthe tops off around 70 percent). Liqueurs appear as cordials, digestifs and aperitifs—although that last group is dominated by drinks such as vermouth, which are more accurately aromatized fortified wines. And the entire category is sweetened.

The oldest surviving signature liqueur is the complex and spicy Bénédictine, first made in Normandy by a member of that order five centuries ago. In the 1930s, a New York bartender thought he could improve on the enduring formula with more brandy. The manufacturer embraced the idea and bottled its own version, adding 40 percent Otard Cognac brandy and calling it B&B, an instant liqueur cocktail that suited American tastes.

The concept of adding liqueurs to pure spirits wasn't new. In the '20s, poorly made Prohibition hooch had inspired a fashion for drowning the harsh taste with liqueur. Moreover, many great examples predate Prohibition, including the Manhattan (whiskey and sweet vermouth), martini (gin and dry vermouth), Sazerac (rye and absinthe, now replaced

by Pernod or Ricard pastis) and sidecar (Cognac and Grand Marnier).

The best drinks of the new cocktail culture are not the ubiquitous ones that marry vodka and fruit juice as a so-called martini, but those that utilize fresh liqueur concepts. New flavor profiles can give punch to old-style cocktails or lead to exciting experimentation.

Consider St. Germain, a new liqueur flavored with elderflower to give it the profile of a subtle perfume. I like to enliven a gin and tonic by adding about half an ounce. Mix Hypnotiq, the fruit juice and brandy quaff, one to one with white tequila and you've fired a Silver Bullet. Castries

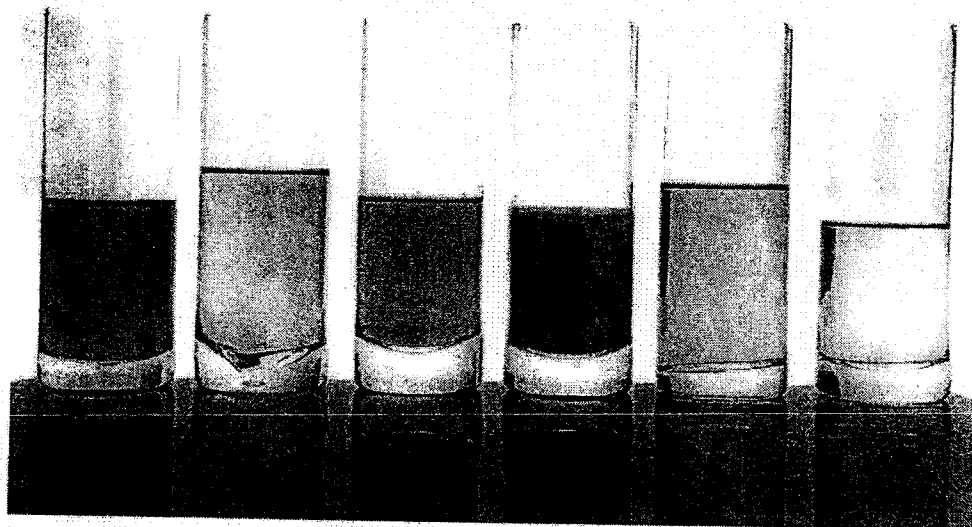
is a low-proof, rum-based cream liqueur with the unlikely but delicious addition of peanuts. It's a no-brainer to add it to eggnog, one part Castries for every part rum. Canton is a pungent ginger and Cognac liqueur, which the maker suggests mixing with vodka. But, inspired by the Dark 'n Stormy (two parts ginger beer to one part Gosling's rum), I came up with a cocktail that I think has better synergy than a vodka partnership: two parts golden rum to one part Canton, shaken with ice, strained and garnished with a twist of lemon.

I needn't go on. Liqueurs clearly bring infinite diversity to the bar. And at the one I tended on the high seas, no one ever asked for one neat.

Jack Bettridge is senior features editor of *Cigar Aficionado*.



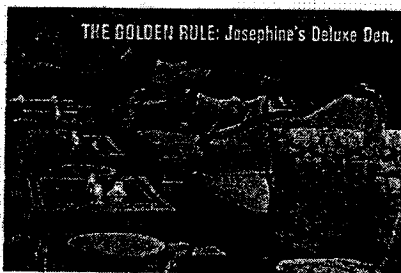
LARA ROBBY



This inclusive family of spirits lassoes together (from left) Campari, Lillet, B&B, Castries, St. Germain and Canton.

## ALL THAT GLIMMERS

Like the French empress it's named after, Josephine Lounge is glamour a-go-go. Brocade wallpaper, oodles of chandeliers and vintage-inspired sofas designed by décor guru Christopher Guy are all a nod to Napoleon's first, and arguably, most stylish wife. Even the drinks are opulent; specialty libations are topped with fresh edible flowers. Try the "Fortune," a Hypnotiq and pineapple concoction named after Josephine's loyal Pug. House music plays from the main room while DJs spin tracks in the "Gold Room," a floor-to-ceiling gilded hideaway that would make anyone feel like Parisian royalty. 1008 Vermont Ave., NW, 202.347.8601, [www.josephinedc.com](http://www.josephinedc.com) —Ashley Gosik

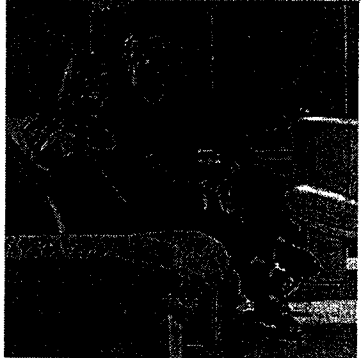


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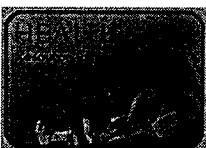


« Latest news on money and retirement  
Last minute vacation to Aruba »

## Building a better bar

The building blocks of a great home bar are of course top-shelf liquors. But the next step is high-end accessories.

Consider Tiffany's sterling silver Monkey Straw. Sterling silver, 7.25 inches long and \$155, it definitely makes a statement. We suggest slipping it into an appropriately extravagant drink - perhaps a home-brewed version of the \$950 Reserve Ruby Red cocktail, made famous (and heavily promoted) by Chicago lounge Reserve. All you need is a bit of Grey Goose L'Orange vodka, Hypnotiq liqueur, orange and pomegranate juices, a splash of Dom Perignon and a one-carat ruby for garnish.

Sound a bit crazy? Consider cooking drinks off with a few Piet Hein drink coolers. These egg-shaped bits of stainless steel feature a liquid center designed to keep cocktails cool without watering them down. Don't want to dilute your super-premium cocktails with ice!

This entry was posted on Saturday, September 23rd, 2006 at 2:11 pm and is filed under Indulge. You can follow any responses to this entry through the RSS 2.0 feed. You can leave a response, or trackback from your own site.

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## Planet Hollywood

### The Dazzling Daytime Emmy Suite and More

By Anita Talbert

More About the Dazzling Daytime Emmy Suite... Our fabulous and unique vendors included New Zealand's Denie Heistand, the world-renowned healer and creator of 100% Natural Electric Body Healthy Skin Care®. He gifted stars with his Skin Elder, Body Spray and Body Polish. The lovely Maria Conchito Alonzo spent a few extra moments massaging the elixirs into her skin, especially when she learned that the products were based on New Zealand Colostrums (mother's milk)!

Beverly Hills' own Eyelash Extension Guru Daniel Dinh, whose clientele includes Madonna, Beyonce, Janice Dickens, and Naomi Campbell to name a few, was booked. Erin Hamilton, the lovely daughter of Carol Burnett waited patiently for her lash extension session. Afterwards Hamilton fluttered her eyes showing me how natural they were. Indeed she looked lovely.

We all know hair is everything on the red carpet, which is why we were thrilled to have HAI-Elite's new-age ceramic hair styling tools, the most state-of-the-art, top-notch Digital Curling Iron, HAionic Turbo Dryer, and DigiStik. All these professional tools are the latest innovative technology that saves hair from damage while styling it. Celebrity Hair Stylist Edward Teitel demonstrated the new HAI-Elite tools on Adrienne Curry, Marcy Rylan and scores more female stars.

It was a divine experience to have Heavenly Sinful Jewels show off their dazzling jewelry line of diamonds and gold for the angel in your heart and the devil on your



shoulder, their Twisted and Pure collection. Tracy Blingham borrowed a fabulous skull and crossbones diamond necklace for her trot down the red carpet. Very Tracy! Tammin Sursook borrowed a fabulous piece for the red carpet as well.

Everyone wanted something by Sensual Mystique Lingerie! They featured their sexiest lingerie for the stars; their corsets were very popular. Stunning star of "The Young & The Restless" Nadia Bjorlin held up a beautiful black and red-ribboned corset for her handsome co-star beau Brandon Beemer, who enthusiastically approved.

Melody Thomas Scott missed the fashions while having her teeth whitened, so she re-scheduled her Emmy rehearsal to come back to our suite.

Guests further accessorized with stunning belts and cuffs adorned with Swarovski crystals by Oklahoma designer Nicole Barr, of the prominent Barr oil family.

Model In A Bottle creator Jill Stevens explained to the Daytime stars how their make-up wouldn't smudge all day using her great finishing product, Christian LeBlanc seemed especially interested.

For two very special A-list stars, The Luxury Collection gifted a magnificent trip to Hotel Marques de Riscal located in El Ciego, Spain. "I can't believe I'm going to Spain - I've never been there," said Daytime icon Diedre Hall when she was gifted with a four-night stay at the Hotel Marques de Riscal. I asked her to send me a postcard.

Inspired by old-world Parisian influence, Hotel Le Petit, located in

West Hollywood, offered complimentary accommodations in its premiere suites! Sam Ruben, host of the KTLA morning show, was thrilled with the two-day stay for him and his wife.

Sedona Rouge Hotel & Spa offered luxury accommodations; Caribbean Escapes also offered 5-star resort stays to select A-list stars with a choice of Central America, Caribbean and Mexico.

"This was the best suite we have ever attended!" said Don Diamont. "This generosity is overwhelming!" said Ernie Hudson. Within a few days, Glo to Sleep received a wonderful letter from Hudson raving about his amazing improved sleep quality from their mask.

After teeth whitening, hydra facials, lash extensions and make-up, the finishing touch was manicures & pedicures. It was fun to see the hunky guys as well as the ladies enjoying Nailtini's beauty "bar" featuring their hottest lacquer "cocktail" menu for nails.

Stars not only got the tops in beauty, fashion and lifestyle, but culinary masters Michael Ferradine and Raymond Sage of Sage Restaurant and Lounge, in a breathtaking ambience in Whittier, satiated their appetites. Aroma Café Culture featured Lavazza Blue, a decadent selection of coffee and espresso beans, while chocoholics got lavish 2-pound boxes of European-style chocolates by world-renowned chocolate, Bodega Chocolates. Daytime star Leblanc couldn't resist taking a faux bite out of an entire Bodega chocolate display. Choconella gave fabulous jars of their heart-healthy antioxidant delicious chocolates, especially keyed for women's libidos. The Cheesecake Factory provided the ultimate fla-



vored-cheesecakes. To top it off, our exciting bar offered Hypnotic Liqueur and PAMA Pomegranate Liqueur, as well as a special Tequila bar featuring Vinomex's Hacienda de Chihuahua, a gourmet super premium Tequila. Select stars received handsome collector's bottles of Hacienda De Chihuahua; tequila aged in new French white oak barrels.

Fred was there. He's the super pure, premium spring water of choice for New York's glitterati in the hot flask packaging; Fred was so popular he disappeared at noon on the second day.

In our Dazzling Daytime Emmy Suite, VIP Bags everyone got Oliver Napa Valley's to-die-for Orange Honey Grilling Sauce, with a blend of many natural ingredients.

Other services and gifts were provided in our VIP Gift bag including Poleci Couture Clothing (who gave VIP shopping privilege discount cards to the stars), Beatorium bags, Porsche Design, Tarte Enbrightenmint, Twisted Silver, Honest Tea, Fancy Flip Flops, Syrup Swimwear; Friar Tux, Lowd Suga' Boutique Jewelry Designs handcrafted by "Days Of Our Lives" star Arianne Zucker and more.

They were the nicest and most appreciative stars I've ever had in any suite I've ever produced

**OMOROSA MANIGAULT-STALLWORTH** .... Recently called to thank me for inviting her to my Dazzling Daytime Emmy Suite where she was generously gifted by all our wonderful vendors. This smart, attractive woman has a franchise going with Donald Trump, who obviously likes the fact that she is "good TV". Stallworth's next venture on TV is with Trump as her life-coach; she told me a little about the adventures he sends her on, like being sent

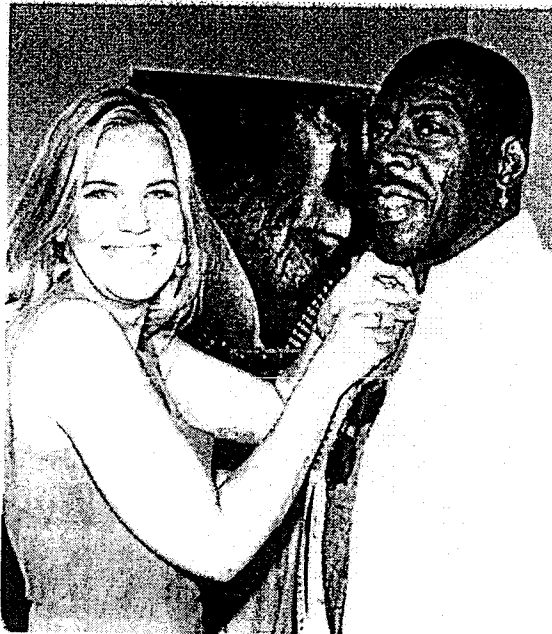
to New Orleans and talking with city officials about post-Katrina plans that Trump has to build there, and how of course she doesn't follow his orders. "He advises me on everything, including getting me married off", says Stallworth, I doubt that it will happen for a while as she's got her plate full. Next thing up is Stallworth's book entitled *The Bitch Switch*, published by Phoenix Books, it's a guide on how to turn it on and off, and it should be an interesting read. "People don't realize that I work and that I have a real job. I am always on a plane to Washington and then back to New York... Stallworth is a full-time political fundraiser and is presently working on Senator Barack Obama's campaign

**TONY DANZA WAS CELEBRATING** ....What appeared to be his birthday with two lovely ladies that could have been his wife, girlfriend... don't know much about Danza's personal life, but they were a happy trio. "It's not my birthday", proclaimed Danza, "We are celebrating something else." With a single candle in the dessert, it may have been one year of anything.

Nuff said.



*'The Young & The Restless' stars,  
Brandon Beemer and Nadia Bjorlin.*



*Ernie Hudson getting an  
Eton of Sweden t-shirt.*

**SOURCE:** WFTX-TV Channel 4 (Ft. Myers, FL)

**AUDIENCE:** 18,706 [provided by Nielsen/NetRatings]

**DATE:** 04-29-2009

**HEADLINE:** Internationally Renowned Artist Emma Ferreria Celebrates Brit Week at HeckArt Studios. –  
FOX 4 Now – WFTX

Source Website

— Available PDF —

BEVERLY HILLS, Calif., April 28 /PRNewswire/ — Emma Ferreria's Brit week celebration will debut this Friday and will feature musical guest and fellow ex-pat Brit Mark

Rae (Rae and Christian) and producer Jerome Gary of Visionaire Media. Brit Week (

<http://www.britweek.com>) is a celebration of the cultural exchange and richness brought to Southern California by the British and this evening will celebrate this very special cultural exchange through art, music and film from both sides of the Atlantic and beyond. The British born artist, philanthropist and entrepreneur, Emma Ferreria, owns her own gallery in Los Angeles and has earned considerable notoriety for her paintings, photos and mixed media works. Recently, Emma's work "Fever" sold at Christies of Beverly Hills and she has been commissioned to design works for two major Las Vegas hotels.

In addition to the astonishing works showcased by Emma Ferreria, the evenings reception will feature distinctive beats by DJ and musician Mark Rae along with a sneak peak of

Jerome Gary's TV documentary "On the Road in America." The event hosted by HeckArt Studios in Beverly Hills, will be attended by an exclusive guest list to include the British Consul General, and many other industry leaders, political appointees, and celebrities both British and American. The event will raise awareness and needed funding for Brit Week's charities of focus: Malaria No More and LA's Best.

List of sponsors:

Luxe Magazine, The Beverly Peninsula Hotel Beverly Hills, *Pama Liqueur*, *Burnett's Vodka*, Hypnotiq, Coffee Bean & Tea Leaf, Martinelli's, Ghirardelli Chocolate, Dole, The Bliss Tea Company, Ocean Spray, and Menu Inspirations. Committed Media Coverage:

Angelino Magazine & Luxe Magazine. Contact: Aaron Heck (424) 210-3301 [amheck@heckartstudios.com](mailto:amheck@heckartstudios.com)

Web site:

<http://www.heckartstudios.com/> <http://www.britweek.com/> A, (c) PR Newswire. All Rights Reserved

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*Highlights: Pama Liqueur, Burnett's, Vodka*

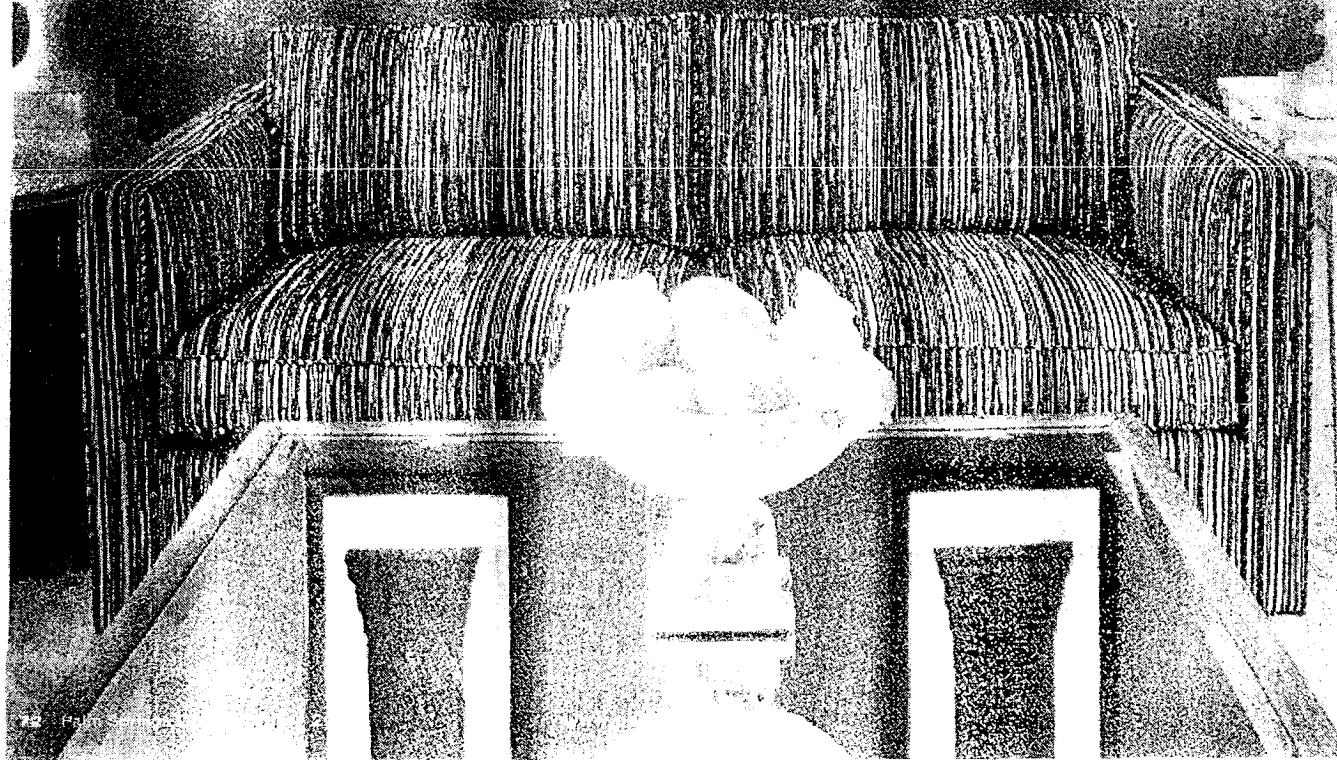
# luxurious LOVE SHACKS

When it comes to romance,

Mae West had it right: Too much of a good thing can be wonderful. If you'd like to wow a special someone this Valentine's Day — or any day (or night) — these romantic valley venues will certainly melt your sweetie's heart.



BY ROXANNE JONES



## VICEROY PALM SPRINGS

*Romance is the glamour [that] turns the dust of everyday life into a golden haze.*

— Elinor Glyn

And there is a glamorous, golden aura to Viceroy Palm Springs, a distinctive resort that's a short stroll from the downtown Palm Springs village. Perhaps it's the black, white, and lemon yellow palette of the sleek guest rooms and villas. Or the modern Regency-style décor that recaptures Hollywood's golden age, when celebrities left Tinseltown for weekends in Palm Springs. Or the warm glow of the desert sun.

You and your significant other will emit a warm glow, too, when you take advantage of Viceroy Palm Springs' Retreat to Romance package. It includes overnight accommodations, a bottle of Moët champagne, and strawberries upon your arrival, as well as a couples massage in the deluxe massage suite *deux* at Viceroy's full-service Estrella Spa, candlelight dinner for two at Citron (Viceroy's California Modern restaurant), a \$30 breakfast credit, and late checkout (of course!). You also can lounge around one of two adults-only pools, or share a pre- or après dinner drink at The Bar at Citron. Try the signature *Le Citron Bleu*, a martini made with Hypnotiq "Tiffany Blue" liqueur and Ketel One Citroen, served in a sugar-rimmed glass and garnished with a lemon wheel. A warm glow, indeed!

415 S. Belandt Road, Palm Springs; (760) 318-3005.  
[www.viceroypalm Springs.com](http://www.viceroypalm Springs.com)



## THE CASABLANCA ROOM at Melvyn's at The Ingleside Inn

*Dancing is the perpendicular expression of a horizontal desire.*

— George Bernard Shaw

No romantic evening is complete without a little dancing. When you have a yen to trip the light fantastic, you can't beat the Casablanca Room at Melvyn's at the Ingleside Inn, a piano bar and lounge with live entertainment seven nights a week (starting at 8:30 p.m.). This establishment is quintessentially Palm Springs, an authentic standard-bearer of the Hollywood glamour that's defined the desert for decades. A visit will take you back to a time when an evening out was something special.

"People tend to get dressed up to come here," says Mel Huber, who has owned and managed the inn, restaurant and lounge since 1975. "We're getting more young people these days than when I first opened." That's a testament to its timeless appeal. "We've also created a lot of marriages," he adds. "People often call me over to their table and tell me, 'We met here five years ago tonight.' I tell them they're obligated to come back and celebrate with us every year." And they do.

260 W. Ramon Road, Palm Springs; (760) 318-1016; [www.inglesideinn.com](http://www.inglesideinn.com)





The anatomy of...

# Animal Planet Unleashed

A trendy nightclub was transformed into a doggie disco with a four-legged fashion show for the pet set. Wild animals partied till they pooped.

**Where?**  
Crobar, 530 W. 28th St.

**What?**  
*Animal Planet Unleashed* — a party to celebrate the cable network's pooch programming. Highlights included a furry fashion show, silent auction and cocktails and treats for both humans and doggies.

**Who?**  
Lucky dogs and their owners mingled with a few celebrities. The event was hosted by former *Daily Show* correspondent Mo Rocca. Proceeds benefited the American Kennel Club Canine Support and Relief Fund for search and rescue animals.

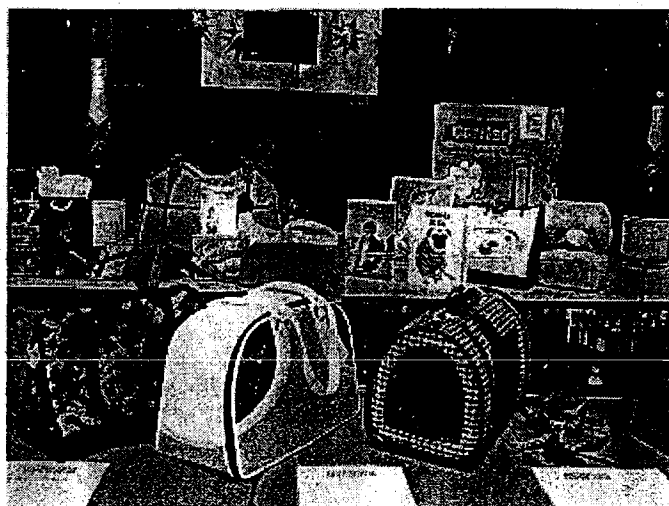
**Scene**  
Sometimes things can get wild at press events, but nothing like this one. Who can recall the last time the talent was caught humping doggie style on the dance floor? Or when guests lost control of their bladders like a drunken publicist? *25hours* asked the show's host and author of *All the President's Pets* Mo Rocca for his take on the night's festivities. "Well, [long uncomfortable pause] there were too many Chihuahuas.

"Out of the 20 dogs presented, we had seven Chihuahuas. That's 35 percent. Chihuahuas are the 10th most popular breed in America. Not even the most popular, the Labrador retriever, didn't even come close to those kinds of numbers tonight."

Rocca finished his drink before continuing. "But



**TV You Can Sink Your Teeth Into: All Dog, All the Time**  
Tune in tonight at 8pm for the premiere of Animal Planet's *Going to the Dogs*, a look at Canada's dog show circuit. Also, don't miss the debut of *Animal Cops: San Francisco*, which makes its bow (or should that be bow-wow?) on January 31st at 10pm. Woof.



Chihuahuas are rats. We all know that not long ago in Bryant Park, hawks were brought in to scare away the pigeons, but also to attack rodents. And they were attacking Chihuahuas! People are just afraid to say it," he explains.

**It's a Dog's World**  
All this canine conversation

makes us wonder why it was such a dog exclusive event. Even the catwalk was renamed a dogwalk.

"Well, cats wouldn't even show up for an event like this," Rocca confides. "The thing is, cats are hipper than dogs. Part of the appeal of dogs is they are very earnest, and cats just aren't."

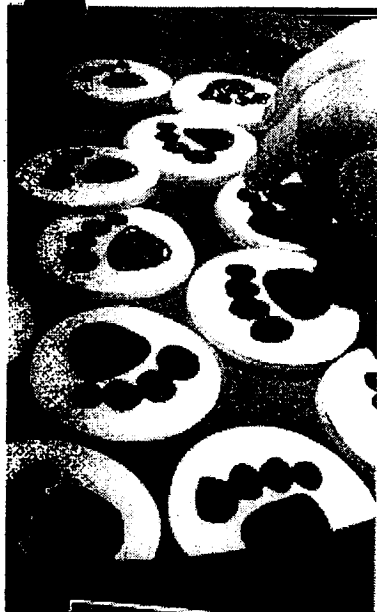
By Ed Tahaney

Bitchin' party, dude!

Holy hairballs

True story.  
This Bichon Frise  
(not a Poodle)  
devoured the  
hand that was  
about to feed him

BELOW and BELOW LEFT: Canine cookies and doggie drinks for the crowd



Photos by Karen Haberberg



### Inside the Doggie Bag

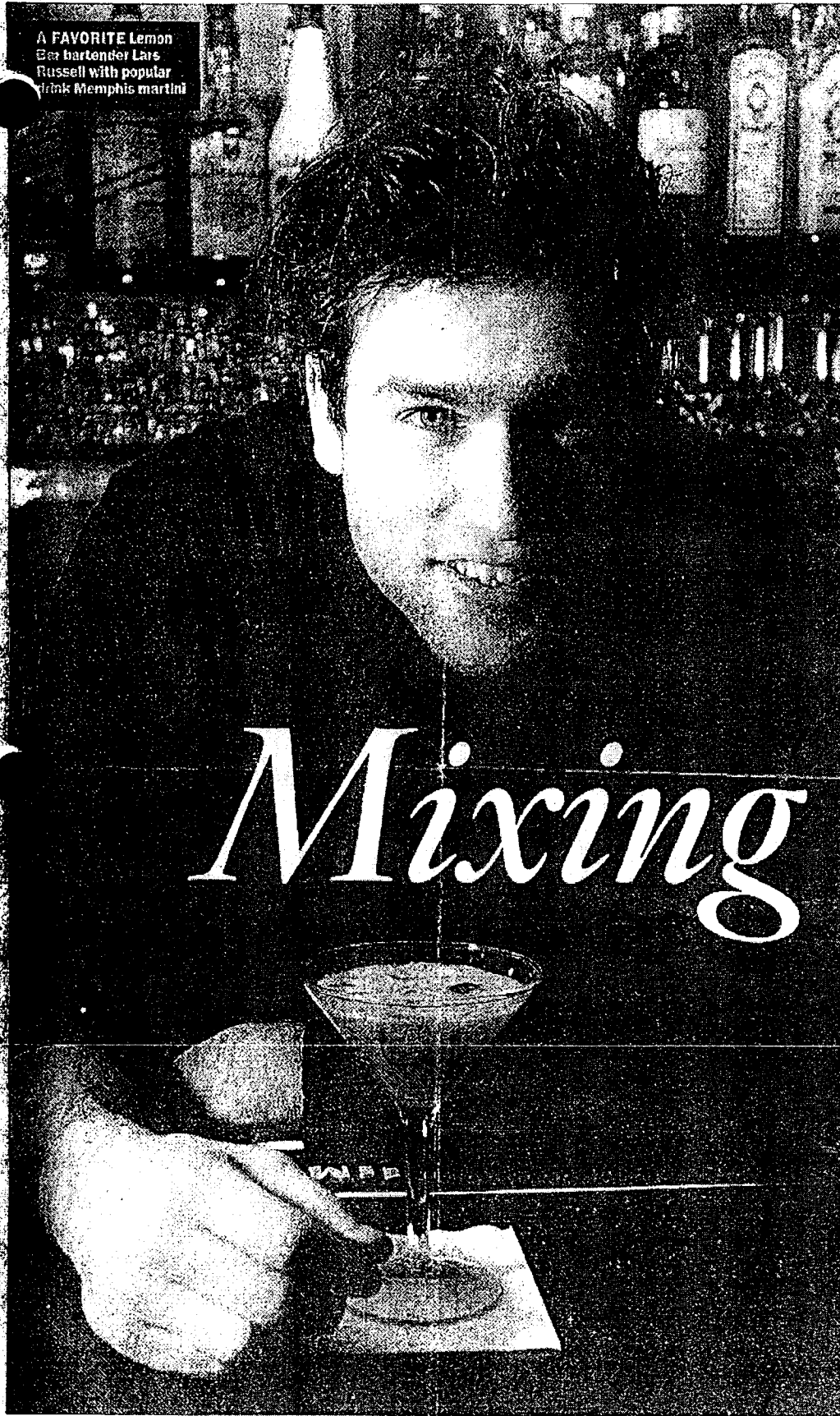
- **Animal Planet Bow Wow Bags:** Plastic gloves for poo
- **Animal Planet Plush Doggie Toy:** Fuzzy alligator
- **Animal Kennel Club:** Doggie squeak toys and breed poster
- **Dognatic Woolly Pop:** Box of popcorn for dogs
- **Eukanuba Leash:** Black, with box of treats
- **New York Dog Magazine:** The insider's poop
- **Rachel Hale:** Doggie photo album and 2005 calendar
- **Trixie + Peanut:** Bling-bling doggie barrettes
- **Coupons:** 30% off at Pets World, pet artist Martha Szabo and Trixie + Peanut



ABOVE: There's never a fire hydrant around when you need one. Glad mom's round to clean up after me



A FAVORITE Lemon  
Bar bartender Lars  
Russell with popular  
drink Memphis martini



Drinking  
trends vary  
widely from  
bar to bar

# Mixing it up

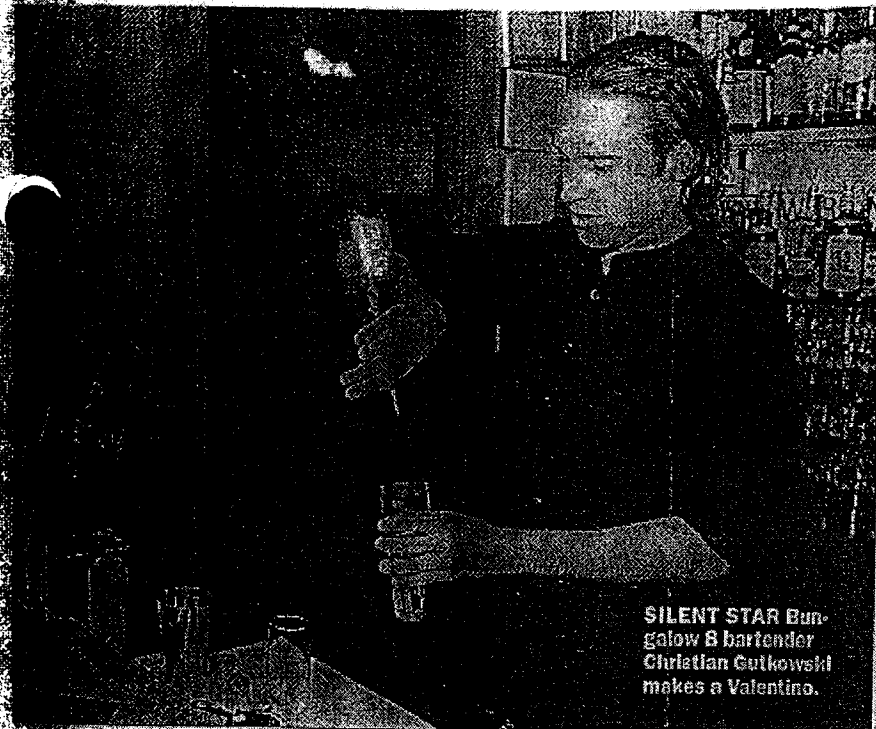


NEW Jager Bomb, says Dublin 6's Sandy  
Gilchrist, is a hit with the younger crowd.

REBECCA MCALPIN

COREY BIRNBAUM

10



**SILENT STAR** Bungalow 8 bartender Christian Gulkowski makes a Valentino.

COREY SIPKIN/DAILY NEWS

By JACOB E. OSTERHOUT

**J**ames Bond drank martinis. So did FDR. Hemingway loved his daiquiris, and Metallica is known for chugging Jagermeister. Everybody has a favorite libation, and in New York, a cocktail's popularity varies widely, depending on the age of the drinker, the type of establishment and the time of day.

For instance, the Lemon Bar on Park Ave. caters to a young NYU crowd that's heavily influenced by promotions. Bartender Lars Russell says the drink of choice tends to be determined by what's happening on a particular evening as well as the type of music that's playing on the sound system.

"On weekends, we have a deejay in here, and if he's playing rap, people will order a lot of Hennessy and Hypnotic," Russell says. "Other nights, when the mood is more relaxed, it seems that people really like the martinis — especially the Memphis martini, which is blue."

Good luck trying to find someone ordering a blue martini at Patrick Kavanagh's pub on Third Ave. at 33rd St. The regulars stick to whisky and vodka, preferring Jameson's and Grey Goose to all other types. However, on weekend nights, the regulars check out early and the pub grows crowded with younger patrons who favor Jack and Cokes.

At popular nightclubs like Marquee, tables are routinely filled with \$600 bottles of distilled spirits like Grey Goose and Kettle One vodka. With such expensive taste, clubgoers rarely mix the vodka with anything other than energy drinks and soda water.

That's a far shot from the Whitehorse Tavern in the West Village, where the drinks of choice are \$6 Glenlivet or Stolichnaya on the rocks. "No matter where you go in this city, someone is always going to be ordering whisky and vodka," says 54-year-old barkeep Fran DeMastri.

But although vodka is a constant at most bars, new variations of drinks pop up all the time. "There's a new drink that we serve called the Jager Bomb," says bar-

keep of Jagermeister dropped into half a can's worth of Red Bull in a pint glass. "The more experienced drinkers wouldn't be caught dead drinking a Jager Bomb," Gilchrist says. "But the younger generation, they love it."

Red Bull's following grows the later the hour, when people feel the need for a spark. "Right about when the Jameson drinkers start to leave is when the Red Bull and vodka drinkers show up," says Bridie Hayes, a bartender at the West Side Tavern on 23rd St. "That's also when we start selling the most shots of tequila."

Yet Hayes points out that the nice tequila rarely sells. "When we sell tequila, it is shots of bottom-shelf tequila, not Patron," she says. "If you are slamming it, you're probably not tasting it."

#### THE GIN GENERATION

Never the most popular drink — but always a strong contender — is the gin and tonic. Bombay Sapphire seems to be the favorite gin of New Yorkers. "A lot of people will start off their nights with a Sapphire and tonic," Gilchrist says.

Hayes has her own opinion. "Sapphire is for the younger, trendy crowd," she says.

"Tanqueray is what the old-timers drink."

But few people drink gin all night, according to bartenders, and vodka martinis far outsell those made with gin. "Vodka is easy going down, and it's not as hard to deal with the next morning," DeMastri says. "Gin has a very specific taste that the younger generation doesn't find as favorable."

The trend toward mixed cocktails also has led to a boom in more colorful drinks. Bungalow 8 on 27th St. serves up a wide variety of such fruity crowd pleasers. A favorite of the VIP set is a Valentino, made with vodka, passion fruit puree and a splash of Champagne. Bungalow 8 also makes a very popular watermelon martini. The Valentino and the watermelon martini come with fresh fruit and a \$14 charge.

Still, even the most creative New Yorkers often will turn to old standbys like Jack Daniels as the night wears on.

"A lot of people start ordering Jack and Cokes when they want to keep drinking."

"If you are slamming it, you're probably not tasting it."

## up front

UPSCALE LUNCH • NEW FORTS • LINA UPRISING • SATURDAY

### raising the bar

BREAK THE ICE WITH A SPECIAL BLEND

In today's trendy atmosphere, the drink in your hands is just as much a part of your outfit as anything else you have on. When you make a reservation at Golden Reserve, you'll be amazed at the quality of the drinks. The bartender will take your order straight to the bar and hand you a grand cocktail on the rocks. An expert complement to your pricey designer dress, you can drop a whopping \$950 for the lounge's exclusive Ruby Red cocktail. The expensive blend of vodka, gin, orange, lemon, rose and orange and pomegranate juices topped with a one-carat, A-grade ruby stirrer makes any other choice—and outfit for that matter—look amateur in comparison. —Nina Hemphill

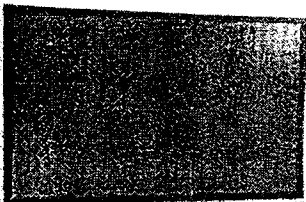
**GOLDEN RULES** If your friends constantly tease you for being the girl who burns money, then do it in style with Lana Jewelry's 24-carat gold candle. One gram of real gold flakes is infused into the unique candle and burns along with the wax to create a

brilliant glow. As the golden treasure captures your eyes, let the delicate smell of black tea, lavender, sweet rose and peach seize your senses. And if you're feeling generous, wrap one of the \$160 candles for your friends, and let their silence be golden. The limited edition candles are available at [lanajewelry.com](http://lanajewelry.com). —N.H.

## home alone

BRING THE LOVE INTO YOUR LIVING ROOM

We've all had a few unexpectedly quiet nights that we vowed to erase from memory, but now, thanks to Mitsubishi's Diamond 927 series latest gem, being alone doesn't have to mean being lonely. Grab the Mitsubishi 73-inch television remote, slide in *Love Jones* or *Mahogany* and be amazed as the characters virtu-



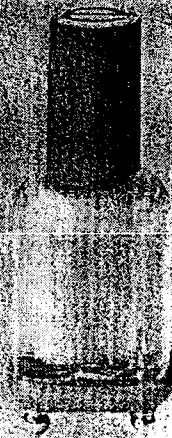
ally leap into your home with unmatched clarity. The 927 DarkDetailer feature defines action in low-light scenes, and it comes equipped with a TiVo-like 250GB recorder that stores up to 25 hours of programming, two HDTV tuners and a CableCARD slot (\$7,999 at [mitsubishi-tv.com](http://mitsubishi-tv.com)).

—Nadiyah M. Jett

### tempting tips

PUT THE POLISH ON YOUR STYLE

BECOME THE MOST desired girl in the room when you let your fingers do all the talking. When gentlemen wish to buy you expensive drinks, flash the glossy perfection of *I Do* polish. *I Do* platinum nail polish and let them know that you've got it covered. You'll wrap them around your fingers with the entrancing \$250 polish that sparkles with pure platinum dust from the world's leading platinum producer. And when you do pick the lucky fellow, gracefully say "I do" by giving him your stunning hand. *I Do* polish is sold exclusively at the Wynn resort spa in Las Vegas ([wynnlasvegas.com](http://wynnlasvegas.com)). —N.H.



→ CUISINE (

# Out of the Frying Pot into the Panhandle

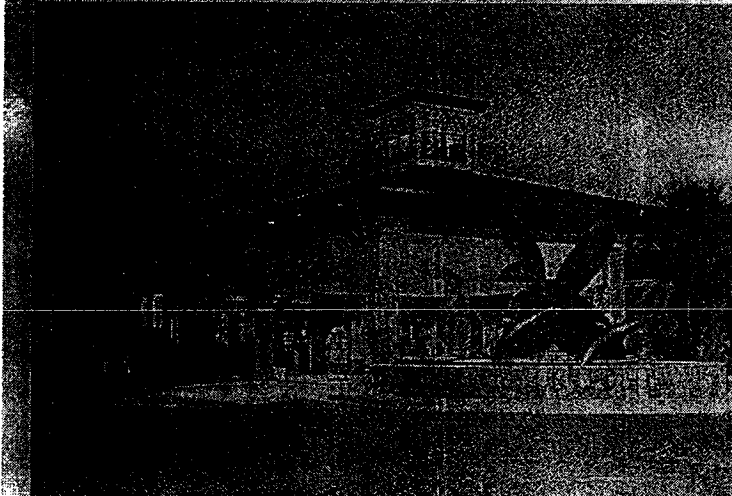
*Today's Northwest Florida cuisine forsakes Deep South deep-fried for new traditions*

by Chelle Koster Walton

**D**ining along Florida's Panhandle once meant fried seafood, hush puppies, gumbo, and grits. The coastline strip from Pensacola to Apalachicola still puts south in your mouth, but new sophistication and diversity have created an entirely fresh culinary genre that combines Old South, New South, Cajun, Asian, and more.

lobster cappuccino along the region's arterial and scenic Highway 98. The Panhandle has reheated its culinary style into a hot new ragout founded on Southern cuisine but taken to every gustatory limit. Follow me on a progressive feast starting in Pensacola.

Grits rank as an entrée at The Fish House. The Ya Ya version, Mardi Gras-inspired, is loaded with smoked Gouda, spinach, portobellos, and bacon and is served with wood-grilled shrimp. This



Capt. Anderson's, a Panama City Beach favorite since 1969, is known for its fresh-off-the-boat seafood. This tempting grilled shrimp is a real palate pleaser.

You can still find grits and all the rest, but with new flair and creativity—for instance the Grits à Ya Ya I hurrahed on the waterfront at Pensacola's The Fish House. The best hush puppies I ever tasted—studded with corn kernels—came in lieu of a bread basket at Dirty Dick's in Panama City. In addition, you can find sushi, oysters ceviche, crumpets, Irish steak and mushroom pie, and

popular landmark is known for its Southern-accented seafood, but there's also sushi and other Asian influences. Sample Southern Pacific Rim fusion with the Soul Rolls appetizer: chicken and collard greens wrapped in a spring roll and laced with peach chutney, wasabi crème, and brown-sugar-pecan Creole mustard.

The finest sushi in town I found was

PHOTOS COURTESY OF CAPT. ANDERSON'S

## Chef Profile

### Dan Glick, Sunset Grill, Sanibel

**D**an Glick took over as the executive chef of the Sunset Grill last spring, adding his style of French-influenced Floribbean. Growing up in Michigan, his dad, who "made me eat everything," was an early influence. He honed his skills at the Veranda restaurant in downtown Ft. Myers and the Sanctuary on Sanibel. Below are some revealing facts about this talented and accomplished professional.



**Chef Dan Glick shows off some of his signature dishes.**



**Favorite Food:** Veal Oscar, jumbo lump crab cakes, and lobster-and-asparagus-stuffed chicken.

**Preferred cooking method:** Sauté.

**Favorite tool in the kitchen:** A creative mind.

**Favorite fish:** Snook.

**Recent special they loved:** Pan-seared cobia with fresh fruit salsa and fried plantains.

**Ambition:** A restaurant in Hawaii.

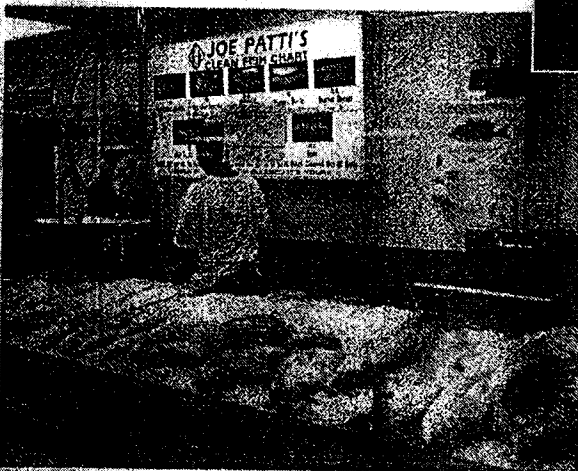
—Fred Bondurant

at an unlikely place. Joe Patti's is the first and last name in fresh seafood shipped nationwide. So it makes sense that its sushi is the freshest possible. Try the Pensacola Special Roll with tuna and avocado.

In downtown Pensacola, Jackson's is all the buzz. Young Chef Alex McPhail performs feats of culinary sorcery in a warm, historic setting. The changing menu experiments with new and unusual ways to tantalize the taste buds, offering such wonders as lobster cappuccino, applewood bacon mousse, mascarpone sorbet, and purple potato gnocchi. It was one of six Panhandle restaurants blessed with the Golden Spoon Award (2005, out of fifty statewide).

Pensacola's McGuire's Irish Pub is a Golden Spoon Hall of Fame restaurant that has been dishing up fine steaks, Irish grub, and micro-beers in a zany atmosphere since 1977.

Heading west, Destin is known as the World's Luckiest Fishing Village, so seafood, needless to say, abounds. Beach Walk Cafe, another Golden Spoon winner, has a top reputation, but I was bound for Sandestin where a resort village named Baytowne Wharf gathers an impressive collection of eateries. I started with afternoon tea at the Magnolia & Ivy Tearoom, shopped it off so I could do martinis and appetizers at Marlin Grill, and finished in grand style at Bistro Bijoux, every bit the gem its name suggests. The tearoom, an Atlanta import, lets you play dress-up and choose from classic or flavored teas. At the Marlin, I ordered the Blue Fin Martini—Absolut Citron, Hypnotic liqueur, and white cranberry juice. I couldn't afford the \$10,000 Martini, which comes with an engraved shaker, two crystal glasses, and a one-carat diamond. Nibble on blue crab cakes, and then head next door to the bistro for inventive seafood dishes with a Southern twist in an elegant setting.



Left: Shrimp boats in the harbor signify ultimate freshness at Joe Patti's Seafood Co. in Pensacola. Right: Boss Oyster on the waterfront—the place for Apalachicola oysters.

Shrimp and Scallops with roasted corn and chanterelle ragout. In Grayton Beach, Red Bar is a time-tested favorite. Don't be fooled by outward appearances of tackiness. This place is deliberately eccentric and the food is plumb excellent, from crawfish with pasta to stuffed eggplant.

In nearby Rosemary Beach, Onano does an extraordinary, design-forward interpretation of Italian with gorgonzola and greens dressed in strawberry-port vinaigrette, pesto polenta cake, and marvelous handmade tagliatelle with shrimp and roasted tomatoes. At Seaside, another resort community and the region's first of its kind, Bud & Alley's continues to win kudos and Golden Spoons for putting the Mediterranean into Southern cuisine.

PHOTOS BY CHILLIE KOSTERWALTON

## If You Go

**Amanda's Bistro**, 2904 Highway 98, Suite 3A, Mexico Beach, 850-648-5102

**Beach Walk Cafe**, 2996 Scenic Highway 98 East, Destin, 850-650-7100, [www.beachwalkcafe.com](http://www.beachwalkcafe.com)

**Bistro Bijoux**, Sandestin Golf and Beach Resort, 850-622-0760, [www.bistrobijouxdestin.com](http://www.bistrobijouxdestin.com)

**Boss Oyster**, [www.apalachicolariverinn.com](http://www.apalachicolariverinn.com)

**Bud & Alley's**, 2236 East County Road 30A, Seaside, 850-231-5900

**Capt. Anderson's Restaurant & Water-**

**front Market**, [www.captanderson.com](http://www.captanderson.com)

**Criolla's**, 170 East County Road 30A, Grayton Beach, 850-267-1267, [www.criollas.com](http://www.criollas.com)

**Dirty Dick's**, 9800 Front Beach Road, Panama City Beach, 850-230-DICK, [www.dirtydicksrabs.com](http://www.dirtydicksrabs.com)

**The Fish House**, 600 Barracks Street, Pensacola, 850-470-0003,

[www.pensacolafishhouse.com](http://www.pensacolafishhouse.com)

**Fish Out of Water**, Watercolor Inn, County Road 30A, Seagrave Beach, 850-534-5000

**Jackson's**, Palafox at Zaragoza, Pensacola,



**Mardi Gras-Inspired Grits à Ya Ya, the signature dish of the Fish House in Pensacola.**

Back along Highway 98 in Panama City Beach, Golden Spoon winner Capt. Anderson's has served throngs fresh-off-the-boat seafood nightly since 1969. Try the crab pie or something from the fish market, preferably crab stuffed. Hit Spinnaker's Paradise Grill for a big ol' cheeseburger, yummy roasted corn, crab dip, and beach views. And try Dirty Dick's for crabs and fresh fish à la New Orleans.

Down the road in blink-of-an-eye Mexico Beach, tiny Amanda's Bistro came as one of those pleasant surprises foodies love to discover. Chef Amanda Reeves cooks up breakfast, lunch, tea, and dinner with a distinctive touch. Sautéed shrimp with her own hot sauce, called Key Lime Toad Sweat, is topped with blue cheese. The chocolate key lime pie also comes with the sauce, a taste-bud-awakening accent. For the makings of a gourmet wine-and-cheese beach

picnic, stop at Mexico Beach's Prickly Pears.

On to Apalachicola, where, naturally, I was craving oysters. So my first stop was shack-chic Boss Oyster (slogan: Shut Up & Shuck), where I made a meal out of raw oysters ceviche and baked oysters jalapeño on the half shell. There are about twenty ways to order the town's claim-to-fame shellfish, plus myriad other seafood selections, as you watch shrimp boats pull into the harbor.

For nouvelle in this old antebellum port town, try The Owl Café in a turn-of-the-century brick building. New South dishes range from stylized jambalaya to Apalachicola Bay oyster salad. Newest on the scene, Verandas Bistro overlooks the town, selling bottles of wine from its retail shop and Southern-flavored bistro bites such as muffuletta, oyster po' boys, fried green tomatoes, Thai coconut-glazed stuffed shrimp, and raspberry bread pudding.

Because of its Deep South heritage, Highway 98 was once termed the Redneck Riviera and L.A., for Lower Alabama. In present tense, you're going to hear a new nickname in connoisseur circles: Culinary Road.

*Chelle Kaster Walton is travel editor for Times of the Islands and writes on the subjects of cuisine and travel. She also writes for Miami Herald, Caribbean Travel & Life, St. Petersburg Times, National Geographic, and other publications.*

PHOTO BY CHELLE KASTER WALTON

850-437-1343, [www.jacksonsrestaurant.com](http://www.jacksonsrestaurant.com)  
**Joe Patti's Seafood Company.** South A Street and Main, Pensacola, 800-500-9929, [www.joepattis.com](http://www.joepattis.com)  
**Magnolia & Ivy Tearoom.** Baytowne Wharf at Sandestin Golf and Beach Resort, 850-267-2595, [www.magnoliaivy.com](http://www.magnoliaivy.com)  
**Marlin Grill.** Sandestin Golf and Beach Resort, 850-351-1990, [www.marlingrill.com](http://www.marlingrill.com)  
**McGuire's Irish Pub and Brewery.** 600 East Gregory Street, 850-433-6789, [www.mcguiresirishpub.com](http://www.mcguiresirishpub.com)

**Onano Neighborhood Café.** 78 Main Street, Rosemary Beach, 850-231-2436, [www.thepensione.com](http://www.thepensione.com)  
**The Owl Café.** 15 Avenue D, Apalachicola, 850-653-9888  
**Prickly Pears Gourmet Gallery.** 101 South 36th Street, Mexico Beach, 850-648-1115, [www.pricklypears.net](http://www.pricklypears.net)  
**The Red Bar.** Grayton Beach, 850-231-1008  
**Spinnaker's Paradise Grill.** 8795 Thomas Drive, 850-234-7892, [www.spinnakerbeachclub.com](http://www.spinnakerbeachclub.com)

Executive

SPOTLIGHT

august 2006

**"Our economic strength has to catch up with our pop influence."**

that a black female could effectively represent a major white client. "You have to think from the level to which they had been exposed," she explains, and "the higher you set the bar, there are no limits."

She learned that lesson early. Grounded in NYC after Eastern Airlines folded, eliminating her job as an airline stewardess, Britto says she pondered her next move carefully. The sister of recording artist Chelle who has graced BRE's covers, Britto had grown up around the entertainment industry developing a good network of connections, and she noticed there was a void when it came to boutique PR firms who would really nurture clients. Eschewing the traditional publicity confines, she also realized the need for a new paradigm. "You're only really known if you're known outside your arena," she explains as one of the tenets upon which she launched The Britto Agency in 1995 as a multi-faceted approach to maximizing client visibility.

Brand Strategist

**Marvet Britto**

**Is Unstoppable**

**She's Even Branding Countries**

**"W** have to reclaim our power or we will be extinct," explains Marvet Britto, brand strategist of her own firm, The Britto Agency. Describing her role as more than a celebrity publicist, Britto relates an early experience when she walked into HBO representing Kim Cattrall from "Sex in the City." One of the television show's hottest commodities at the time. "They didn't know whether to ask me to get them coffee or what," she recalls as she sat down as the sole black with all white executives in the boardroom. A new level of respect was soon established as Britto proved

"I knew I had to diversify so I could offer more to my clients," she explains. "I couldn't operate in the traditional box." Britto, in fact pioneered the personal representation of athletes, counting as one of her first clients in sports, baseballer Gary Sheffield. "Athletes didn't have personal publicists then. They were solely represented by the team PR." Britto opened the doors for them to customize their branding to their individual identities and was consequently given unheard of access to locker rooms where she carved out this new niche, counting among her clients athletes from diverse sports such as boxer Roy Jones, Jr., NFL Defensive End Dwight Freeney and NY Knicks Stephon Marbury. And she was there for times like the choking incident with then Golden State Warriors shooting guard Latrell Sprewell, to steer them through the rougher times. As Chris Calloway, former New York Giants Wide Receiver who was reped by her, recalls, "Marvet definitely tapped me into resources I would not have known about otherwise."

Refusing to be hired as an urban or black publicist, Britto insist-

D A

ed on competing on all levels where excellence was the criterion, not color. Having traveled abroad, she realized that the black culture was being adopted globally and advocated a stronger profit participation in the branding of her clients across all color lines. "What we do, people follow around the world," she explains, adding, "We have been playing ourselves too small. Everything we do is adopted, but we don't become what we don't see. Our economic strength has to catch up with our pop influence."

Very selective of her clientele, Britto, who spends hours on the Internet and in Barnes and Noble, sees her clients not from the cookie cutter perspective but as unique. "They're not just numbers, but interesting stories of people who want to make a difference—people I believe in—not just a check." Building, developing, accelerating and repositioning brands is her specialty in all fields. "Publicists," she says, "are often the first involved in a project but the least acknowledged. When a publicist plants her bag of seeds, you may not eat from that tree right away, but it will eventually bear fruit."

It was rewarding to hear film producer Lee Daniels publicly recognize Britto at the Los Angeles premiere of his new movie "Shadowboxer," which opens this month. Daniels, who began as a manager of talent, knew Britto before his film "Monster's Ball" won Halle Berry her first Oscar. It was Britto who helped fulfill his needs to be able to move

into producing movies. "I thought about my environment," she explains on pulling in executive producer Damon Dash and joining as co-producer of Daniels' films herself. "I knew Damon had aspirations to be taken seriously in film, so matching him up with Lee whose films were targeting mainstream with major actors would afford him the opportunity to play in a much bigger arena. It was not just urban films anymore."

Even though the fabric of the Britto Agency's mission is to empower persons of color, she does not play the race card or look for tokenism. "We have to step up and create new ways of doing things," she exclaims. A follower of Pastor A.R. Bernard at New York's Christian Cultural Center, Britto says he taught her that faith and fear couldn't exist in the same place. Tireless in her pursuits, she adds that perseverance is a key to any success. With current clients like Hill Harper, Rodney Jerkins and Bryan Michael Cox, she aims to build their brands so they will be remembered for years to come. Her years of experience have wizened her though and she is acutely aware of the lack of economic participation in the branding of color.

As part of the team that helped turn Miami into an international playground, she knows firsthand the financial ripple effects that created. She recently added another aspect to her brand-building agency and took on representation of the country of Dubai, establishing offices there to help build its reputation as

a tropical playground and destination spot. "Being ahead of the trends or having one's finger on the pulse of trends will enable us to carve out our own roads and share in the profits."

Britto did not want a story on her because she feels her role is in building her clients, but she was convinced to do this interview to stress the importance of diversifying one's talents and thinking outside the box, especially in today's climate. Promoting a 360-lifestyle brand-building firm, Britto has shown that there really are no limits. Who would have thought a black woman would be co-producing mainstream films today? Busy on the next film, "Tennessee," being shot on location, Britto is taking the word "boutique" to new heights while still keeping the same hands-on delivery. Her clients range from the athletes, to corporate entities like Motorola, Kingsworld, Playstation, Sony and Def Jam to talent like Mariah Carey, Eve, Foxy Brown, Angela Bassett and Steve Harvey, to special events for organizations like The Rowell Foster Children's Positive Plan to consumer products like Martell and Hypnotiq and now to films and even countries. Outer space, I'm sure, is not even off-limits to her vision.

Dallas Austin's recent tangle in Dubai and another client, Star Jones Reynolds' recent public departure from "The View" will certainly test her skills. However, Britto abides by another tenet as well: "All opportunities meet with opposition, so equip yourself."

Focus On...

# What's Current on the Central Coast

By Katy Budge

## Volk

It may be a new label, but the force behind Kenneth Volk Vineyards (KVV) is a venerable figure in California's Central Coast wine industry. Ken Volk founded Wild Horse Winery back in 1981, at a time when, arguably, there wasn't much of an industry. By the time he sold the brand in 2003 to Peak Wines International, the wine division of Jim Beam Brands, Worldwide, Wild Horse had helped lead the charge for the Central Coast's reputation as a stellar wine growing region.

Ironically, with the launch of KVV, Volk is coming full circle as a winemaker. One of his first vintages at Wild Horse was a 1983 Sierra Madre Vineyard Santa Maria Valley Pinot Noir, and one of the inaugural releases of KVV was a 2004 Sierra Madre Vineyard Santa Maria Valley Chardonnay. He admits that the possibilities of "world class, cool climate Pinot Noir and Chardonnay" are among the things that drew him to the Santa Maria Valley. Another draw was the chance to give KVV an enviable bricks and mortar presence.

"The original Byron Winery that I purchased from Robert Mondavi and rebranded as KVV is one of the most beautiful locations in Santa Bar-

bara wine country," said Volk, who has an obvious affinity for the vineyards in the area, including the famed Bien Nacido parcel just up the road. He noted, however, that "I love Paso Robles and SLO



PHOTO COURTESY OF KVV

Longtime Central Coast vintner Ken Volk launched his Kenneth Volk Vineyards earlier this year.

and continue to work with great vineyards from there. The scale and scope of the KVV brand will be much smaller (than Wild Horse) and focused on Burgundy varieties from Santa Maria Valley and red Bordeaux varieties from Paso Robles."

Kenneth Volk Vineyards: (805) 782-0425, [www.volkwines.com](http://www.volkwines.com)

The original  
Byron winery  
that I purchased  
from Mondavi  
is one of the  
most beautiful  
locations in  
Santa Barbara."

## Lido Lights up the Coast

As soon as the new Dolphin Bay Hotel and Residences opened in June 2006, its Lido Restaurant became a centerpiece attractions for visitors and locals, and no wonder. The restaurant offers panoramic views of the Pacific, gourmet wine country cuisine created by Executive Chef Evan Treadwell, and a lively wine and spirits program.

Bar Manager Chris Cox observed that patrons are gravitating towards higher end brands, and the bar crew has already developed some signature

sipping sensations such as the Lido Mojito and the Blue Dolphin. In addition, a variety of fresh fruit granitas can be kicked up with everything from sake to tequila to wine, and are playfully described as "adult flushies" by Dolphin Bay's General Manager Shaw McPherson.

Not surprisingly the Lido wine list reflects its location in the heart of the Central Coast wine country. The still evolving and growing selection consists largely of local wines, and Cox added that the wines by the glass program — a great match

for the numerous small plate menu options offered by Treadwell – showcases all locals with “two different price points for each varietal. We also make sure the staff is very well educated as to what we’re offering.”

Lido Restaurant at Dolphin Bay Hotel and Residences, 2727 Shell Beach Road, Pismo Beach, 805-773-4300, [www.thedolphinbay.com](http://www.thedolphinbay.com).

#### Dolphin Bay's Signature “Blue Dolphin”

3 ounces Bacardi Coconut Rum

3 ounces Hyppnotiq Liqueur

Shake and strain into a chilled martini glass, and garnish with a lemon twist.



Dolphin Bay General Manager Shaw McPherson and Bar Manager Chris Cox with the Lido's signature Blue Dolphin.

### Monterey Street Wine Co

John Stipicevich and Doug Shaw recently “cornered the market” in San Luis Obispo. The longtime friends just opened Monterey Street Wine Company on a busy corner in the uptown hotel district of San Luis Obispo. As its name suggests, the shop obviously features wine, but there's also a tempting array of international gourmet cheeses on hand.



Doug Shaw and John Stipicevich offer wines and cheeses from around the world at their new Monterey Street Wine Company.

For Stipicevich, this is the latest chapter in a well-rounded wine industry career. He got a solid start working all aspects at Meridian Vineyards, “but I wanted to learn more about the wines of the world, so I went to work for Henry Wine Group.” In 2000, he helped found Chumeia Vineyards in Paso Robles with Lee and Kristin Nesbitt, former Meridian co-workers.

In keeping with Stipicevich's global view of wines, Monterey Street Wine Co. will be highlighting labels from around the world. Central Coast wines will certainly be celebrated center stage as well, though perhaps not the usual suspects. “We want to put wines on the shelf that are also bearing locally,” said Stipicevich.

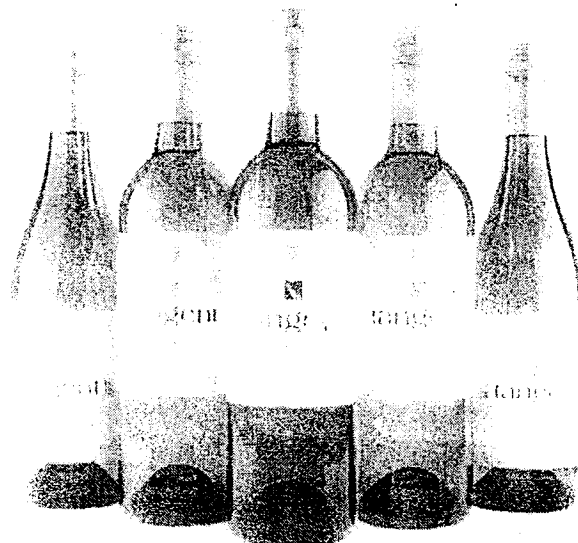
Monterey Street Wine Company, 1255-A Monterey Street, San Luis Obispo, 805-541-1255, [www.montereystreetwines.com](http://www.montereystreetwines.com), open daily.

### Going Off on a Food-Friendly Tangent

The dictionary defines “tangent” as “diverging from original purpose of course.” That's certainly the case with the new “Tangent” line of alternative white wines recently created by cousins and third-generation grape growers John Niven and Michael Blaney and veteran winemaker Christian Roguenant (the same team behind the award-winning Baileyana label). With Tangent, they have created the first domestic brand entirely devoted to crisp white wines. None of the wines see any oak aging, all have screwtop closures, and all tend toward a low-alcohol, high-acid style that's very food-friendly.

Fans of the Baileyana Sauvignon Blanc will find that wine moved over to the tangent lineup, which also includes Edna Valley grown Albariño, Pinot Blanc, Pinot Gris, and “Ecclestone,” a blend of all four of the other varietals. Riesling, Viognier, and possibly even Grüner Veltliner – a commonly planted grape in Austria, Hungary, and the Czech Republic – are among the wines that may eventually round out the portfolio.

For more information, [www.tangentwines.com](http://www.tangentwines.com), (805) 597-8200. Tasting is available at the Baileyana tasting room at 5828 Orcutt Road in San Luis Obispo.



## *BurrellesLuce Express*

75 East Northfield Road/ Livingston, NJ 07039 / 973-992-6600

**SOURCE:** The Gazette (Montreal, QC)

**AUDIENCE:** 1,375,437 [provided by Nielsen/NetRatings]

**DATE:** 12-09-2007

**HEADLINE:** An impressive show of youth

### Source Website

Kids for Kids delivers 'cutting edge experience' to guests, and \$100,000 to respite centre for families with disabled children JENNIFER CAMPBELL, The GazettePublished: 28 minutes ago

I've said it a bazillion times but I'll say it again – our planet (admittedly mired in serious challenges) is in really good hands. The

Kids4kids raises the cash-bash bar: Kids for Kids is undoubtedly one of the most dynamic youth-driven fundraisers on the circuit. Every year, the choice event (patronized by hundreds of discriminating twenty and thirtysomethings) exudes a distinctive energy and sophistication, all the while maintaining firm focus on the organization's principal goal-generating funds for that event's designated beneficiary.

This year was no exception. Dedicated founders, trendy titan Doug Lewin (attending with hon Brina), Erika Ludwick (with edgy entrepreneur-love Louis) and Catherine Turner (with PM-down-the-line, hub Adam) spun their signature magic (along with a charged committee) collecting \$100,000 for Centre de repit Philou while attracting huge numbers of fine young things to hip new venue Marche Bonsecours (650 to be exact).

:  
Heady headliners and head-turners (of every age – there were lotsa fab fortysomethings, too!) included: uber eye-candy couple Mark Fletcher (president Fletcher Leisure Group) with wife Caroline (bodyguard worthy in a body-hugging frock that screamed "genetically gifted!"); ...loise Gratton and Stephan Yazedjian; Maisliner's execu-chicest Jojo Maislin (destined for best-dressed and tressed lists everywhere in metallic-edged Michael Kors); surgeon Enrique Flores and lovely wife Adriana; yum-mum/master merchandiser Lisa Singer Miller with yum-hub, SportTV.com CEO Farrel Miller; Brangelina-eat-your-heart-out-they're-cuter Claire and Rob Velan; Lisa Trudeau and bro Shawn; newlyweds Lauren Wolfe and Neil Erlick and soon-to-be-marrieds Danielle Garonce and Eric Berman (clearly love was in the air!); Mark Shannon; Ian (Twinkle Toes) Ruckenstein and wife Heidi Small (newly dripping in Delmar bling she won at the raffle); Lysa and Mark Hornstein (she-designer Grecian gorgeous in an asset-maximizing cobalt mini-dress); plastic surgeon Karl Schwarz (yes, "son of" Gaston, who, rumour has it, nips 'n' tucks like no other!); sizzling sis and bro Satovs – Tracy and Scott; lawyer lovely Isabelle Bensadoun with handsome husband, ALDO top brass David Bensadoun; magnificent MDs Johanna Choremis and John Antoniou; communications ace Barbara Timmins; Louise and Frederick Melling; reams of Reitmans la Julia (in print perfect Blumarine), Stephen (in Reitmans couture) and dazzling daughter Lisa with impressive NY import Ari Himmel; sexy cyclist Stan Lewin with elegance-central wife Elise; Lewin good neighbours and pals Nancy and Johnny Souaid; debonair Ben Dalfen with wife Andrea (the quintessence of expectant-chic); Mark Lutfy and wife Elizabeth Chunga (who – scoop – fell in love at world-wonder Machu Picchu); gorgeous former Miss Peru Liliana Contreras. And no wild and woolly fete would be complete without them: Montreal's own Bennifer (Jen and Ben Briere).

Clearly the peeps were as colourful as ever. Yet there was something else going down at this year's K4K, which event-planners and founders, Erika and Catherine (of Melica Event design) expounded upon. "It was time to refresh," the duo explained. "On this competitive social circuit, it's important to stay current and offer guests a cutting edge experience."

Well, FYI: they cut that edge! The more understated decor of years past gave way to the wildest of nights at the Moulin Rouge replete with tantalizing please–stretch–out tents and bottle–service environments: Entertainment was seamless and constant (thanks to suppliers including Global, Manina Productions and the Pinup Saints), punctuated by such fantastical sightings as fire–breathers, stilt–walkers, and quintuple–jointed contortionists so striking they had all males sporting permasmiles). Finally, victuals and booze were superlative as Java U delivered works of hearty food art and liquid stimulation flowed in all its incarnations thanks to kind–"spirited" suppliers like Red Bull, Ketel One, *Hypnotiq Liqueur*, Eska Water, Molson, and LCC Wine and Spirits. Yup, this year's K4K was tresgood4thesoul.

Gambling on a good thing: Now it's on to another rocking organization of twenty and thirtysomethings, the Saint George Foundation, which recently hosted its annual casino fundraiser at the upscale Challenger Golf Course. Lead sponsors included Dollarama, Luxury Retreats, C&M Textiles, Stylexchange, Baby's Own, TravelWay, the Howick Foundation, Uniprix, Paris Geneve and Quickstyle.

The fiercely fun fete attracted 300 plus next–gen leaders who couldn't help but revel in the steady stream of 'tails and nibblies as well as the faux–gambling opportunities (made all the more alluring thanks to Les Promotions Magiques and star emcee Stephane Starnino). Among the glammy grown–up juniors who facilitated the collection of an impressive \$25,000 for this year's beneficiary, the Autism Federation of Quebec, were committed committee members, including magnificent committee pres Melissa Batchoun; Carl Soueid; Karen Haddad; PR princess Caroline Nadeau; Jaimie Auger Turk; Mark Turk; Kelly Elian; Michael Elian; Marc Bishara and Rev. Michael Shaheen.

Clearly, in the not–for–profit world, it pays to gamble!

Staggeringly stylish soiree: Finally, we close with Violet en Vogue, a unique fundraiser planned by the students of Hillel Montreal with Save our Women.

Held once again at top trendy resto–bar Time Supper Club, scads of the city's most stylish celebutantes turned out to lend support.

Spotted enjoying the catwalk Olympics (which featured triple–hot volunteer models in creations by DPM Gold and De Puta Madre Italy) and grooving to post–runway spins by international model/celeb DJ Caroline D'Amore, were the lush likes of Rooney Westmount co–owner Barbara Segal; Milk and Roses Fashions top brass Mitch Mihic, Ricardo Vena and Luana Ordonselli; Save our Women co–founder/event co–chair Mara Sofferin; top MTL hairstylists Funky Toque's David Landry and Jose Cano; master musician/photographer Aleks Shurmer; DJs Perry Gilman and Psychology; students/ stylists Jaynee Golden, Jayme Segal and Chelsey Copelovitch; Violet en Vogue co–producers Dara Gallinger and Brandon Marek; and Time Supper Club co–owner Benjamin Bitton.

All proceeds raised support the Live, Laugh, & Learn Foundation. Created by Amanda Dawn Sculnick, an extraordinary young woman recently given a diagnosis of Hodgkin's Lymphoma, the foundation goes the extra mile, raising funds for research, and supporting innovative new projects geared toward recovery, like current initiatives to outfit CHUM's Notre Dame Hospital with televisions for all treatment rooms.

Last minute "gotta knows" to keep you on your social toes: A certain well–established leader of the Electronics' industry (who recently figured prominently on Canada's billionaire list) invited thousands of his employees to the Bell Centre this past Monday to get down with Grammy–winning Roberta Flack. (How "future" fab is that?!)

mtlsocialgal@yahoo.com

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*Highlights: Hypnotiq Liqueur*

# Victoria's Ruby Red Osteen

By Al Speegle, Jr. • Illustration by Paul Dematos

(AP) A Houston bar's \$950 dollar cocktail played a curious role in the recent aeronautic misadventures of the wife of one of the country's best-known evangelicals.

Victoria Osteen, wife of millionaire evangelist Joel Osteen of Houston, was embroiled in a dispute with a flight attendant on Continental Flight 1602 on December 19, 2005. Osteen reportedly was involved in an altercation with the attendant that ultimately resulted in her being removed from the flight—which had been taking the Osteen family to a lavish skiing vacation in Vail, Colorado.

According to other passengers and the FBI report, the incident was precipitated by spilled liquid on Osteen's fold-down tray.

The liquid in question was allegedly "Victoria's Ruby Red Osteen," created at Caesar's Ghost, an exclusive bar in Houston's wealthy Riverbend area. The new cocktail, which costs a whopping \$950, was modeled after a similar drink first made popular by Queen Victoria of England, called "Victoria's Ruby Red Slipper."

According to Pete Evans, manager of Caesar's Ghost, "Victoria's Ruby Red Osteen" is a "tangy mix of vodka, champagne, cognac, pomegranate liqueur and orange juice." The

drink, as did the royal version, comes complete with a one-carat, Grade-A ruby—hence the steep price.

"We kind of were playing with an idea

that Mrs. Osteen could come in and have something else to celebrate by," Evans said. "That's why we created the drink. So far, we've only sold ten, all of them to Mrs. Osteen. Five of them the evening when Joel's book, *The Best of Everything* was released."

Victoria's husband, Joel, the pastor of the wildly popular Lakewood Church, refused repeated requests for an interview.

However, at the time of the event, Victoria Osteen told Fox News, "It never should have happened, and was a most unfortunate event. Our flight was delayed for two hours because (our) fifty pieces of luggage had to be unloaded."

Victoria, allegedly not happy with the drink selection in first class, had an assistant pastor deliver a jug of Victoria's Ruby Red Osteen

directly from Caesar's Ghost just prior to take off.

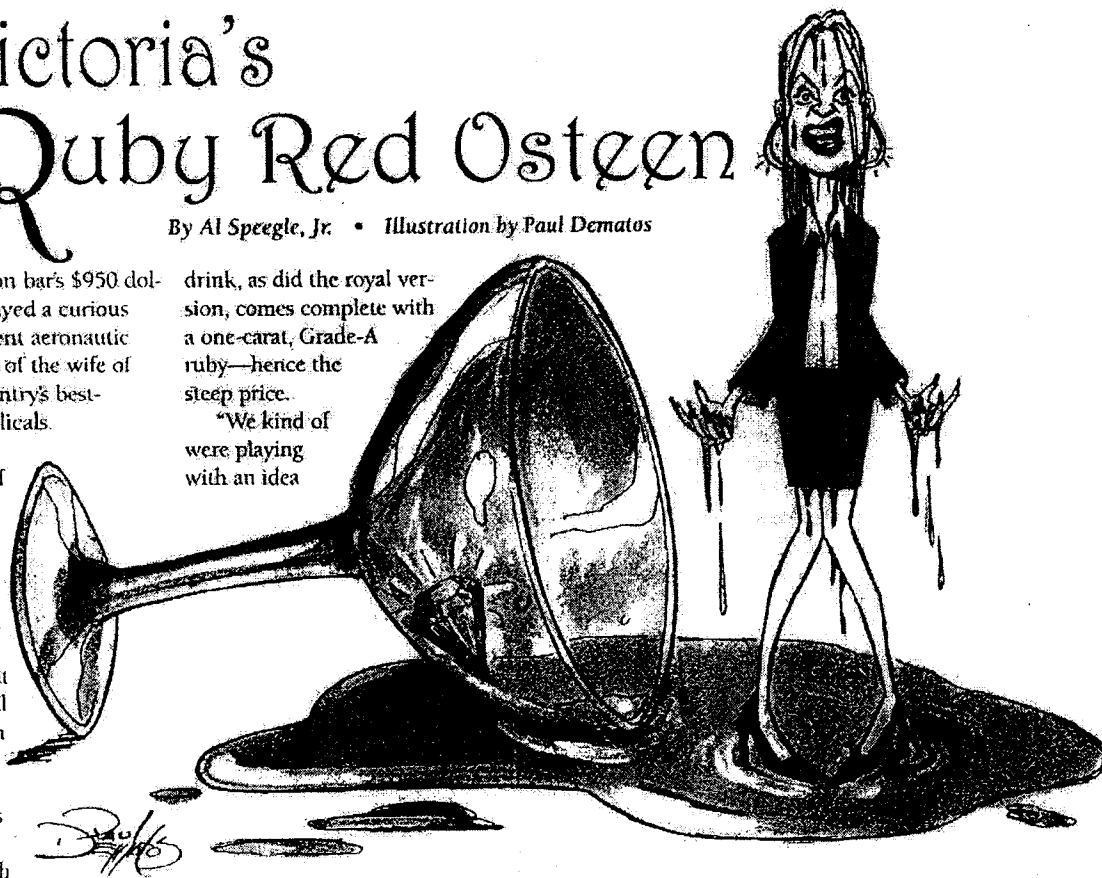
"Gawd, you'd think I'd gotten more respect being in first class," Osteen told a sympathetic Bill O'Reilly. "But noooo! That stewardess got all mad, (and) thought she was God's gift from the airline waiting on me and Joel until I informed her it was her fault she dropped the Ruby Red. I clearly remember it happened just as she was handing me my fourth one. I didn't quite have it in my hand when it slipped out of the (flight attendant's) grubby hand."

In a statement posted yesterday on the Lakewood Church website, [www.lakewood.cc/victoriassecret-thejesusdiva](http://www.lakewood.cc/victoriassecret-thejesusdiva), Victoria Osteen writes, "The last thing I would ever want to do is let any of you down. And I promise you that I did not act in any way that would cast a

bad light on you, my family, Lakewood Church, our Lord Jesus Christ, the makers of Smirnoff vodka, Hignoff Cognac and Dom Perignon Champagne. I value the position that God has placed me in and I can assure you that I will always walk in love and integrity on the Lord's day. While I am not perfect, I will always seek to be a peacemaker while seeking the high road."

Evans said the highly publicized incident had created a "run" on the popular drink in recent weeks and that he expected Victoria Osteen to continue ordering it.

"She's a firm believer in using antioxidants, and the orange juice supplies a lot of it," Evans added. "It's not a sweet drink, kinda has a tart taste with a smooth, silky kick. As you might expect."



Canada is an Indian word meaning "Big Village."

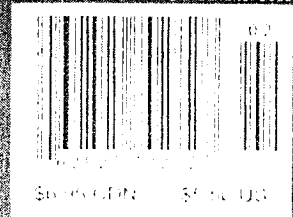
## priv-i-lege

Pronunciation: 'priv-ij'

Function: noun

Etymology: Middle English, from Old French,  
from Latin privilegium, a right or immunity  
granted as a peculiar benefit,  
advantage, or favor.

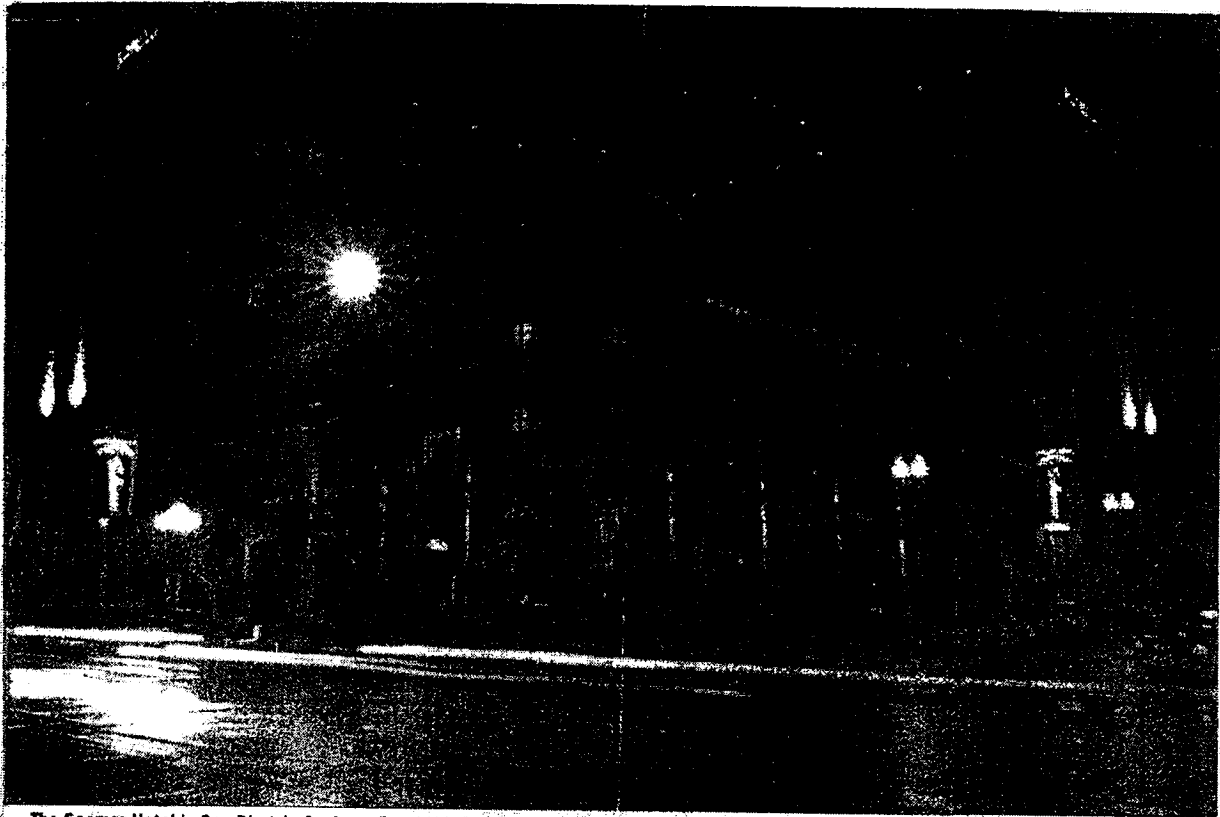
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MAGAZINE™



The Soamar Hotel in San Diego's Gaslamp Quarter is helping make the city one of the West Coast's hippest cities. (GARY PHOTO)

# SAN DIEGO

"San Diego used to be more of a surfer town. There's more of a cocktail culture now. Diners are becoming foodies."

— Alex Chan, restaurant owner



Revelers let loose at Stingarea, a three-story club in San Diego's Gaslamp Quarter.

As it undergoes an extreme makeover, this California port city is morphing into a **WACKY HOT HIPSTER**

By KITTY BEAN YANCEY  
USA TODAY

A guy in shorts and flip-flops zig-zags his skateboard around revelers on Fifth Avenue in this city's historic Gaslamp Quarter.

There's no way he'd get past fashion-police doormen at the multimillion-dollar clubs and rooftop bars that have sprouted downtown in this formerly laid-back beach town.

But Erin Chambers — a 24-year-old in jeans and bell-sleeved smock top for a Friday night on the town — is waved in everywhere.

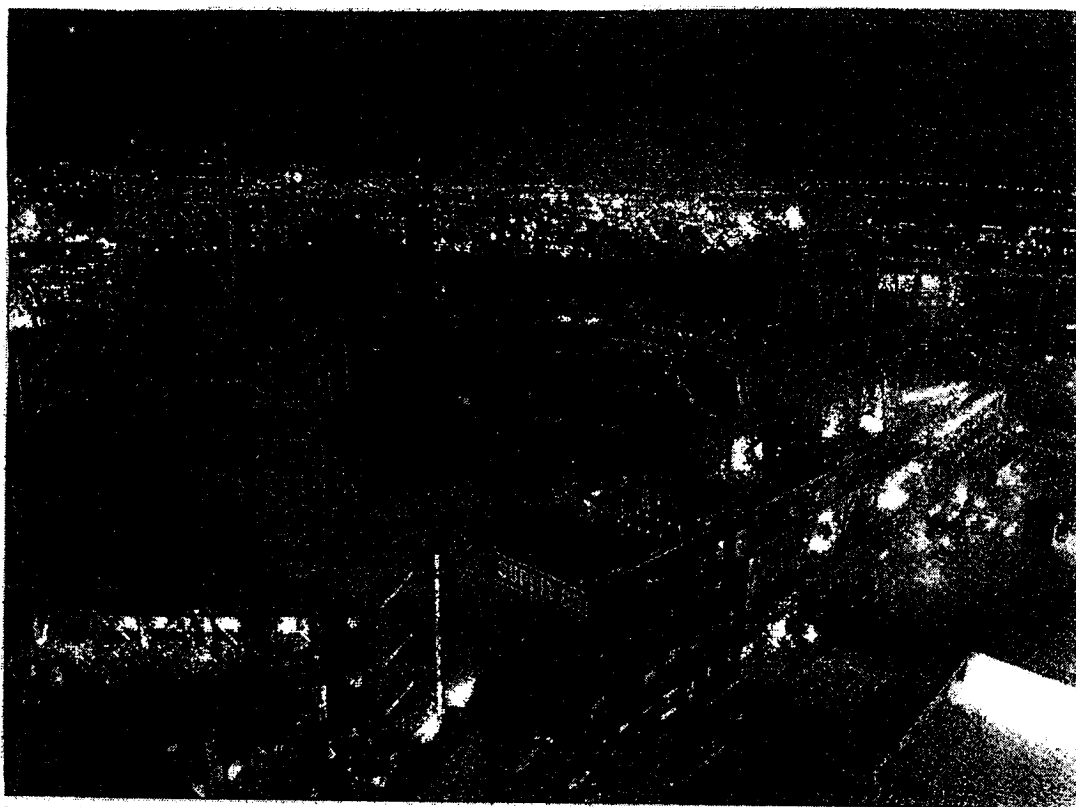
"Welcome to the velvet rope of San Diego," Chambers says. She's San Diego editor of Citysearch.com, and her job is pointing out the hot and happening. The

night, she's leading a visitor on a tour of "in" night spots, all of which require a bouncer's nod to get in.

Stop to apply lip gloss, and a new hot spot seems to pop up.

The nation's eighth-largest city (up 1.3 million), known for naval bases, Sea World and its zoo, is undergoing an extreme makeover that has made it a magnet for hipsters. Its once-seedy downtown is going uptown as tacky tattoo parlors and dive bars move out and affluent condo-dwellers, trendy clubs, hotels and restaurants move in.

First stop on the tour: Rumba, a 24-year-old Thai restaurant in downtown's Gaslamp Quarter, with a velvet



Visitors to the Marriott Hotel's 22nd-floor outdoor bar, Altitude, can see this view of Petco Stadium in San Diego. (GEO PHOTO)

## San Diego

FROM PAGE F1

rope at the door to assure that only members of its \$1,500-a-year private club and diners with reservations sink into pillow-strewn suede sofas under the gaze of a gold Buddha-style statue in its dimly lit 30-Two lounge.

"San Diego used to be more of a surfer town," says Rama owner Alex Thao. "There's more of a cocktail culture now. Diners are becoming foodies."

Inside the high-ceilinged dining room, with a waterfall spilling down one wall and gauze curtains that swathe booths in privacy, the decor trumps the food this evening. Beef drunken noodles are fine but not divine.

Next stop is the 1-year-old Stingaree nightclub. Chambers breezes by the velvet rope of the three-story restaurant-disco, past a two-story waterfall to the rooftop bar.

She orders a \$12 Get Wet cocktail — lemon Grey Goose vodka, turquoise Hypnotique liqueur, white cranberry juice as women in skirts sashay past.

Stingaree, named for San Diego's 19th-century brothel district, once was a warehouse. Its outdoor cabanas with orange couches are as look-at-me chic as anything you'd see in Las Vegas, South Beach or Los Angeles.

The cabanas are VIP only.

## IF YOU GO

### SAN DIEGO

#### LODGING:

- Hotel Solamar is in the Gaslamp Quarter. Rates start at about \$250; (800) 548-7866.
- The Keating, which opened in December, has 35 rooms, featuring modern minimalist designs. Introductory rates start at about \$270; (877) 753-2846.
- At historic Hotel del Coronado, rates start at about \$300; (800) 582-2595.

#### DINING:

- Red Pearl Kitchen serves modern Asian cuisine in seductive surroundings under red lanterns. Entrees cost \$10 to \$18; (619) 231-1100.
- Entrees at Cafe Chloe range from \$10 to \$21, including the \$13 smoked trout salad with almonds, apples and fingerling potatoes; (619) 232-3242.
- At Rama Thai restaurant, entrees cost \$12.50 to \$26; (619) 501-8424.

INFO: Call the San Diego Convention & Visitors Bureau at (619) 232-3101

**"We've definitely become a party destination. We see it in our credit-card receipts. San Francisco, Arizona, New York."**

— Stingaree owner James Brennan

tory, Chambers explains. Your party must order at least two \$325 bottles of booze to loil there.

"It's hard for people to understand that this level of sophistication is here," she says.

Says Stingaree owner James Brennan: "We've definitely become a party destination. We see it in our credit-card receipts. San Francisco, Arizona, New York."

### Standing room only

The San Diego Convention &

Visitors Bureau says 24 percent of 32.7 million visitors last year were ages 18 to 34.

The downtown hotel scene is rejuvenating accordingly. First came the W San Diego boutique hotel that made waves four years ago with the Beach bar. Its cabanas, fire pits and heated sand draw standing-room-only crowds.

Two years ago, the Kimpton boutique chain moved into the Gaslamp Quarter with its Hotel Solamar.

The fourth-floor pool bar has the ubiquitous velvet rope at the entrance, fire pits plus king-size day beds.

There are no "do not disturb" signs on the doors of its guest rooms. Rather, the signs read: "Shhhhhh. I'm finding my inner self."

Traditionalists and conventioners are lining up to book at a just-opened grande dame

hotel — the 96-year-old U.S. Grant, with 270 rooms and suites. It's managed by Starwood after a \$52 million renovation that left its pillars and high ceilings intact but brought in contemporary furnishings, modern art and flat-screen TVs.

The Keating, a 35-room ultra-modern loft-style lodging, recently opened. It's furnished with platform beds with storage drawers that replace bureaus, bathtubs in bedrooms and stainless steel on walls.

Its design is by Pininfarina, the Italian firm that designs Ferraris.

An old hotel called The Pickford was reborn as the boutique-style The Sofia Hotel in December. The Hard Rock's first condo hotel is due in 2007.

"It's 24-hour decadence and you're invited," promises its Web site. Sales literature includes a testimonial from Hard Rock San Diego general manager Robert Todak, formerly of the star-magnet Delano Hotel in Florida's South Beach.

"San Diego is like South Beach a decade ago," Todak says. "It's ready to explode."

Even convention hotels such as the Gaslamp Quarter's Marriott and Hilton have modern minimalist lobbies that look more South Beach than Southern California.

Marriott's 22nd-floor outdoor bar, Altitude, is the place to sip a Sun Drop margarita at sunset and take in a panoramic view of the Pacific and the infield at Petco Park, home of the Padres baseball team.

**style®**

**Partnership Opportunities  
Hypnotiq & The Style Network**

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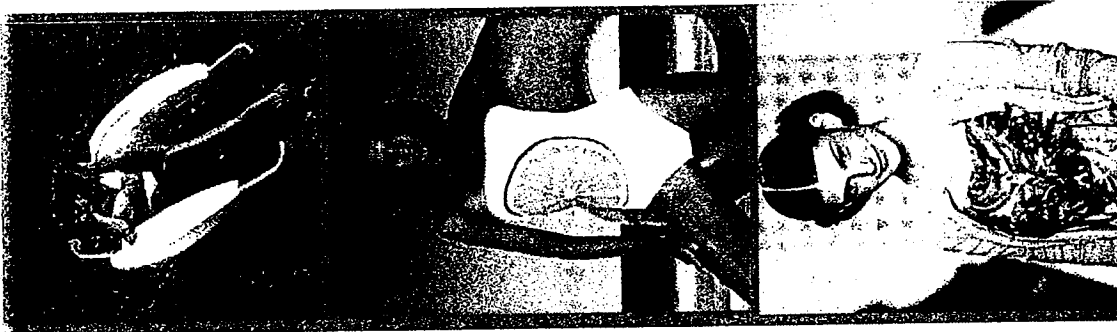
# Style Guide to Summer

style

## OVERVIEW

When viewers want to know the latest in beauty, entertaining and home trends, the first place they come is the Style Network. From high-fashion runways to drugstore bargains and from big-time Hollywood glitz to down-to-earth common sense, our discerning viewers look to us for our cutting-edge savvy and matter-of-fact authority. This May, tune in for the *Style Guide to Summer* and get a first look at the hottest trends for the season.

During this half-hour special, we'll reveal the latest trends that are making waves from the backyards of Malibu to the turquoise waters of Saint Tropez. So join the party this May and get the latest trends in fashion, beauty and home entertaining to keep you feeling cool in the summer heat.



# Style Guide to Summer

style.

## INTEGRATED SPONSORSHIP OPPORTUNITIES

- **On Air Sponsorship Elements**
  - Option A: In-Program Integration
  - Option B: "Sizzlin' Summer Style" Vignette
  - Option C: Co-Branded Tune-In
- **Online Sponsorship Elements**
  - Branded Integration
  - Premium Placement



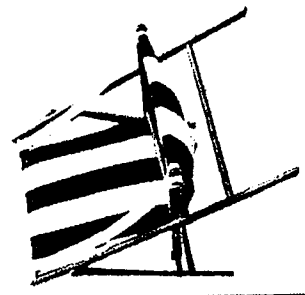
# Style Guide to Summer

style.

## ON AIR SPONSORSHIP OPPORTUNITY

### Option A

- **In-Program Integration** – Style will integrate (Sponsor) within one segment of the *Style Guide to Summer* special
  - The *Style Guide to Summer* special will air a minimum of four (4) times
  - (Sponsor) will be featured on-screen via product images and/or product b-roll footage
  - (Sponsor) will have category exclusivity in the segment and throughout the *Style Guide to Summer* special
- **(:20) Co-Branded Tune-In** – drives tune-in to the *Style Guide to Summer* special
  - Includes sponsor logo and VO identification
  - Sponsor tag to be a maximum (:05) in duration
  - Airls 10 times 7-10 leading up to special
- **(:10) Sponsored Billboard** – “brought to you by” billboard
  - Includes sponsor logo and VO identification



# Hypnotiq & E! Recipe to Party 2007

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Heaven Hill v. Diab

3110

# Recipe to Party

## ON-AIR SPONSORSHIP OPPORTUNITY

- **(:20) Recipe to Party Interstitial** – this fun and party-themed interstitial will drive tune-in to late-night programming, including comedy classics such as *Saturday Night Live*, on E!
- Includes sponsor logo and VO identification
- Includes custom brand message
- Includes product integration via b-roll footage
- Airls 10 times 7-10 days during promotional period

### Sample Script:

*E! and Hypnotiq have the recipe for the hottest holiday party!*

*Mix together one part Spartan Cheerleaders and one part Weekend Update, add a splash of Mango, and you are sure to have one night of outrageous fun you won't forget. Tune in to Saturday Night Live, weeknights at midnight, only on E!*

*And while you're enjoying Saturday Night Live...(insert custom sponsor tie-in for Hypnotiq, including sponsor logo, VO identification, custom brand message, and product integration via b-roll footage).*

Sample script is for illustrative purposes only. Script may be customized to fit the client's showcase brand. Actual script will be presented to client after sponsorship commitment, and is pending E! Networks legal approval.



All content and dates subject to change. Sponsorship opportunity subject to E! Networks approval.

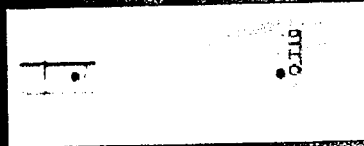
# Recipe to Party

## NEXT STEPS

**Commitment Deadline:** Ten weeks prior to flight dates

**Materials Due:** Eight weeks prior to flight dates

**On-Air Flight Dates:** TBD



# Hypnotiq and E! Party Girl Sponsorship Opportunities 2007

# Party Girl

## OVERVIEW

E! Online's *Party Girl* covers Hollywood's A-list, one party at a time. She takes users behind the scenes, beyond the velvet ropes and straight into the VIP room. She critiques the food, the fashion, the gift bag and the guest list at all of Hollywood's hottest happenings. Now, *Party Girl* has become one of the most popular columns on E! Online, with a loyal fan base responsible for nearly 3.5 million impressions per month.

To keep E! viewers in the know, we've recruited *Party Girl* to help dish the dirt direct from La-La Land. *Party Girl* has gone primetime, with exclusive short-form programming only on E!. *Party Girl* spills the freshest Hollywood news, gossip and trivia on Tinseltown's top stars. Viewers get tuned in to everything cool ... the *Party Girl* way.

E!'s *Party Girl* is the perfect integrated platform for your brand, with both online and on-air exposure. She's always on the list ... and now, you're her "plus one!"



# Party Girl

## ON-AIR SPONSORSHIP OPPORTUNITY

- (:30) Party Girl Party Patrol Interstitial – features updates from some of Hollywood's hottest parties and events

- May include coverage of sponsor designated events, premieres, etc.
- Includes sponsor logo and VO identification
- Includes custom brand message
- Includes product integration via b-roll footage
- Airls 10 times 7-10 days during sponsor flight

### Sample Script

E! and Hypnotiq present this Party Girl Party Patrol...

Party Girl here. Can you believe that Ben and Jen pulled off that secret Caribbean wedding? So who's next? Do you think it'll be Brad and Angelina? Nah, I'm putting my money on Justin and Cameron. I hear they're buying a love-nest to die for in Hawaii. Whoops, I got another call—gotta go!

This Party Girl Party Patrol ... is brought to you by Hypnotiq (sponsor logo, VO identification, custom brand message, and product integration via b-roll footage).

Sample script is for illustrative purposes only. Script may be customized to fit the client's showcase brand. Actual script will be presented to client after sponsorship commitment, and is pending E! Networks legal approval.

All content and dates subject to change. Sponsorship opportunity subject to E! Networks approval.

# Party Girl

## NEXT STEPS

**Commitment Deadline:** Ten weeks prior to flight dates

**Materials Due:** Eight weeks prior to flight dates

**On-Air Flight Dates:** TBD

# Hypnotiq & E! Dish of the Day Sponsorship Opportunities 2007



# Dish of the Day

## ON-AIR SPONSORSHIP OPPORTUNITY

- (:20) Custom Dish of the Day Interstitial – highlighting a current hot topic in the world of entertainment, and driving tune-in to *E! News*
- Includes Hypnotiq logo and VO identification
- Includes custom brand message
- Includes product integration via b-roll footage
- Airst 10 times 7-10 days during sponsor flight

### Sample Script

*Sandra Bullock is back with an attitude in the sequel Miss Congeniality 2: Armed and Fabulous, in theaters March 24. Bullock returns later this year in the gritty drama Crash, and is joined by an amazing ensemble cast that includes Don Cheadle, Matt Dillon, Brendan Fraser and Thandie Newton. For more entertainment dish, tune in to E! News weekdays at 7 p.m.*

*This Dish of the Day is brought to you by Hypnotiq (sponsor logo, VO identification, custom brand message, and product integration via b-roll footage).*

Sample script is for illustrative purposes only. Script may be customized to fit the client's showcase brand. Actual script will be presented to client after sponsorship commitment, and is pending E! Networks legal approval.

All content and dates subject to change. Sponsorship opportunity subject to E! Networks approval.

# Dish of the Day

## NEXT STEPS

**Commitment Deadline:** Ten weeks prior to flight dates

**Materials Due:** Eight weeks prior to flight dates

**On-Air Flight Dates:** TBD

FRIDAY SEPTEMBER 18. 2009

# NIGHT SCHOOL

FEATURING THE SOUNDS OF  
INTERNATIONAL SUPER MODEL AND DJ

*SKY NELLOR*

WWW.SKAMARTIST.COM | MYSPACE.COM/SKYNELLOR

SKY NELLOR  
INTERNATIONAL SUPER MODEL AND DJ

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FRIDAY SEPTEMBER 18. 2009

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WEDDINGSTYLE



September 18, 2009

Justin Ames  
[REDACTED] Keller Crescent  
1064 Loretto Road, P.O. Box 729  
Bardstown, KY 40004

Dear Justin,

grace ormonde Wedding Style has made a name for itself as the most talked about luxury wedding magazine worldwide. Dedicated to offering its readers innovative ideas and creative approaches from the world's top wedding specialists, grace ormonde Wedding Style provides its advertisers with an effective platform for reaching the most affluent wedding consumer. Featuring the latest in up and coming bridal couture, exquisite jewelry and the chicest wedding destinations, the magazine creates a unique platform that is attractive to both wedding professionals and bridal clientele. Included in this kit you will find the Spring/Summer and Fall/Winter issue of grace ormonde Wedding Style for 2009. I hope you will take into consideration the benefits of being a part of the most exclusive wedding magazine in the country. As our deadline approaches, I will call you with regard to your media buy for Spring/Summer and Fall/Winter 2010.

Sincerely,

Sandra Burke-Medeiros  
401-245-8792  
sandra@weddingstylemagazine.com

P.O. Box 89  
Barrington, RI 02806  
T: 401.245.9726  
F: 401.245.5371

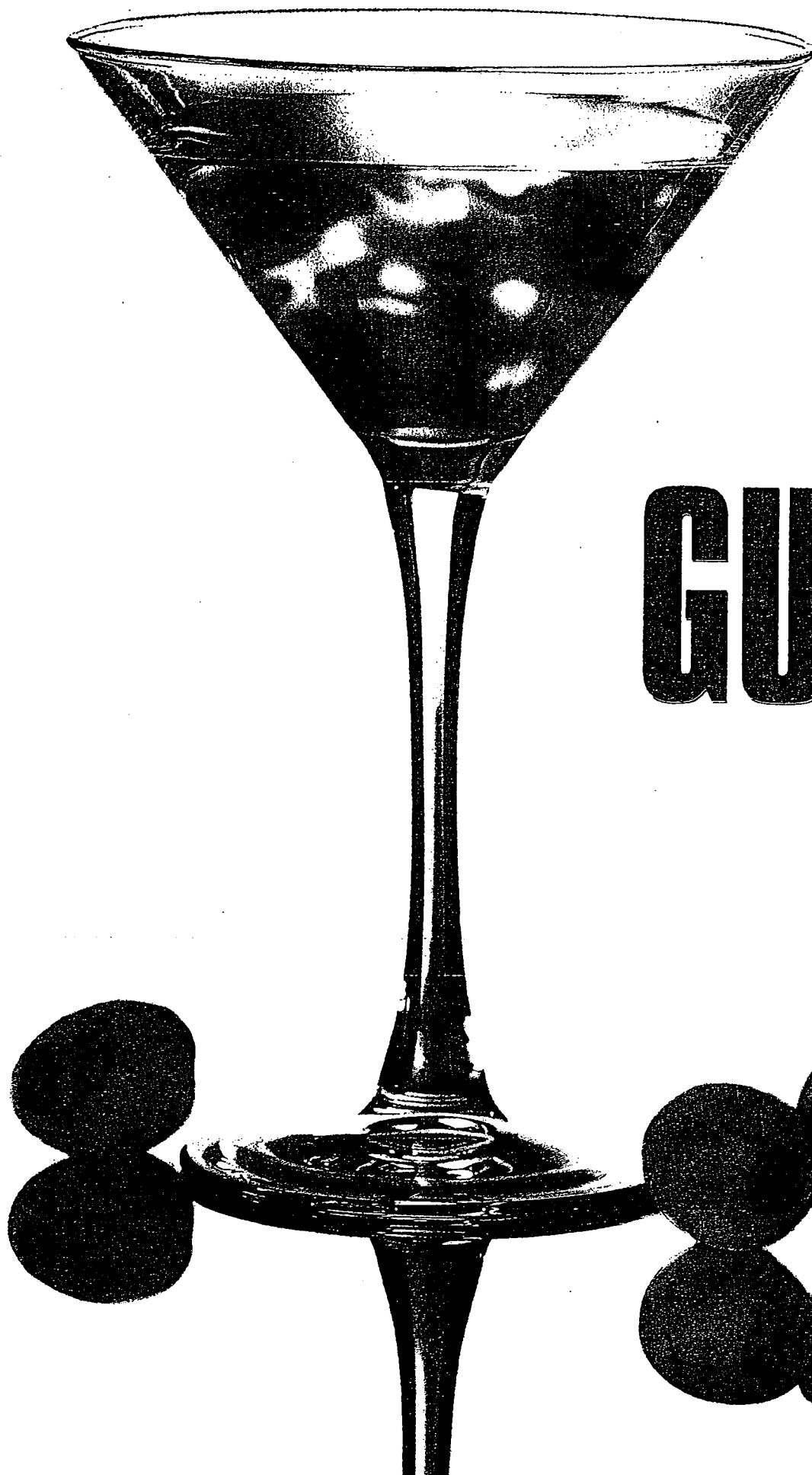
[www.weddingstylemagazine.com](http://www.weddingstylemagazine.com)



# SONGS AND VIDEOS CONTAINING REFERENCES TO HPNOTIQ LIQUEUR

<u>Artist</u>	<u>Song</u>	<u>HQ Placement</u>	<u>Chart</u>
Usher	Bad Girl	Song	Over 4 million sold
Lloyd Banks	I'm so fly	Video	50 Cent protégé/platinum artist
Fat Joe	Lean Back	Video	#1 video on B.E.T./MTV/Billboard charts
Juvenile	Slow Motion	Song	#3 on Billboard charts
R.Kelly feat. Big Tigger	Snake	Song/Video	#1 Peak Position on Billboard Charts in '04
R. Kelly	Happy People	Video	Peak #7 Billboard charts
R.Kelly	Ignition	Video	Over 4 million sold
R.Kelly	Thoin' Thoin'	Video	
Chingy feat. Jermaine Dupree	Right Thurr	Video/Song	Over 3 million sold
Missy Elliott feat. Ludacris	Rumors	Video	Platinum CD
Missy Elliott	Pass the Dutch	Song	Platinum Artist
Fabulous feat. P. Diddy	Trade It All	Video	Millions sold on Barbershop Sdrk.
Fabulous	Its My Party	Video/Song	Over 2 Million copies sold
Joe Budden	Pump It Up	Song	Platinum Artist
Nick Cannon	Gigolo	Song/Video	Gold Artist
Lil Kim	Came For You	Song	Platinum Artist
Marcus Houston	In The Club	Song	Video B.E.T.
Twista feat. R. Kelly	So Sexy	Video	Peak #11 on Billboard Charts
Elephant Man	Pond Da River	Video	Top Reggae Artist '03/'04
Beenie Man feat. Twista	Jook Y'all	Song	Top Reggae Artist '03/'04
David Banner	Like a Pimp	Song	Top Southern Artist
Memphis Bleek feat. Jay-Z	Hipnotic	Song	Jay-Z Protégé/Gold Artist
Big Tymers feat. R.Kelly	Gangsta Girl	Song	Platinum Artist
Ice Cube feat. Westside Connection	Gangsta Nation	Song	Platinum Artist
Romie feat. B2K	After Party	Song	New Artist
Mobb Deep	Twisted (Remix)	Song	Platinum Artist





**GUER**

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# GUERRILLA DRINKS

**Spirits marketers are turning to less conventional techniques to gain customer awareness • by Michelle Paolillo**

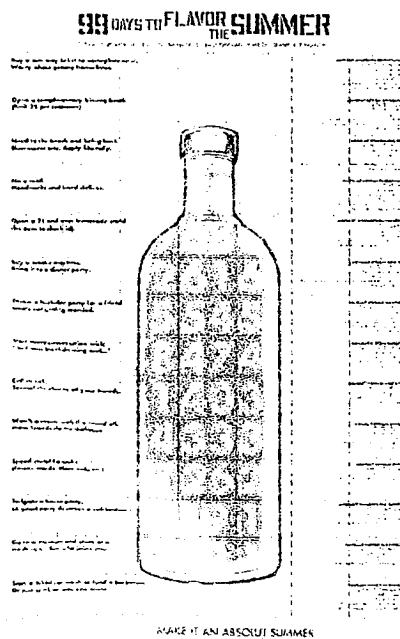
**A**t a typical happy hour gathering, you are pleasantly surprised that a specialty Martini made with a vodka brand you've never heard of is on the house. Or perhaps you enter a bar on a Friday night and find a number of models wearing the logo of a new flavored rum and handing out samples of the spirit. Or while checking out the newest club in your city's hottest area, you notice a couple has ordered a bottle of a spirit that you do not recognize. Caught looking, you are invited to sample the new quaff. Or you just can't understand how that bus wrapped in the logo of your new favorite spirit is everywhere. • While everyone has seen it and some consumers are starting to expect it, this form of marketing is still considered guerrilla. That's right guerrilla, as in guerrilla warfare, only friendlier—Guerrilla Marketing.

And one such opportunity came with the launch of Alizé Bleu. The company partnered with GenArt, an organization dedicated to furthering the careers of emerging artists, to sponsor a night to salute these artists held in the Puck Building in New York City. The entire night was centered around the "blue" theme and GenArt even had

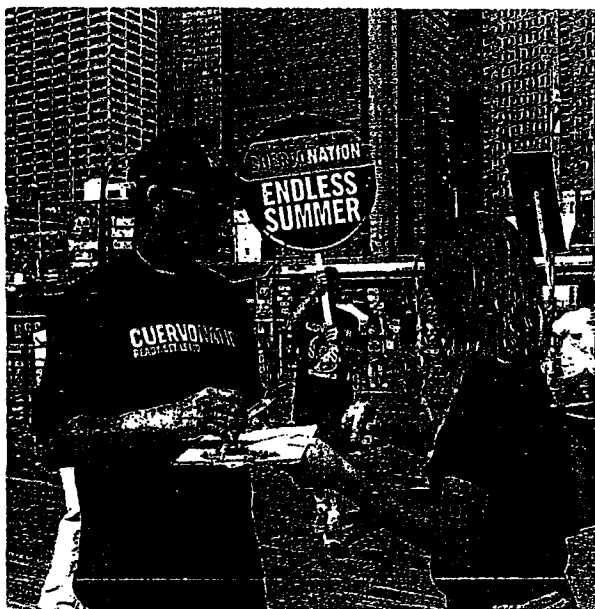
Getting a brand in the hands of celebrities is a huge coup for spirits marketers—many even include their new products in gift bags at award shows to encourage sampling. But spirits marketers know, that is just the tip of the guerrilla marketing iceberg.

The company recently created the SKYY View Lounge at the Sundance Film Festival. According to Hearn, it was a stylish venue created at the festival for people to connect with the filmmakers, explore different topics in panel discussions, show original content and, of course, throw parties. "We hosted a lot of different activities," she explains. "Each night we featured a different flavor of the vodka in the lounge. On our end, we wanted to create cocktail moments and photo opportunities. But if we weren't connecting and benefiting the filmmakers, it would not have been a positive marketing campaign."

On the other hand, Levinson says, Absolut is probably the most guerrilla brand of all spirits out there. "Absolut has done a terrific job in creating art for their ads that is so good that peo-



22 MARKET WATCH | OCTOBER 2004



LEFT: Diageo North America's Cuervo Nation campaign included Major League Baseball player Aaron Boone and a \$1 million bid to put a Cuervo Nation sign next to the Hollywood sign in Los Angeles. ABOVE: Allied Domecq Spirits North America's non-traditional marketing has Fonzworth Bentley touring as Courvoisier's "Arbiter of Good Taste."

ple display posters of the ads in their homes and offices for all their friends to see," he says. "And they are consistent."

Absolut Spirits Co. Inc. has recently taken on some new guerrilla tactics with the launch of its new superpremium Level Vodka. The company sponsored various events and award programs. "We were the exclusive vodka at the Oscar's party at SoHo House [in Manhattan], among others," says Lorne Fisher, the company's director of public relations and events. "The idea was to get the brand in front of people without them being exposed to any kind of promotion. Seeing it at an exclusive party would drive and build the image of the brand."

In addition, Fisher notes that the company uses guerrilla-like marketing for other brands, including Plymouth Gin. For example, the company runs promotions daring bar customers to sample the gin in their drinks of choice.

Meanwhile, at Heaven Hill Distilleries Inc., Kate Latts, director of marketing strategy, notes, "Hypnotiq was built on a grassroots model." The company used a trial strategy on key influential people, getting the product into gift bags and parties where "people we wanted to drink the brand would be," she says. "[These A-list celebrities] then became champions of the brand and spokespeople for the brand."

But the marketing campaign didn't stop there. The com-

pany continued to market the brand in venues "where the target audience would be inspired by the product and become early adopters of the product," Latts explains. Heaven Hill sponsored Hypnotiq nights at bars and clubs that aimed to create a "Hypnotiq experience," featuring Hypnotiq girls handing out samples of the mini Signature Martinis with glowsticks. A key to these nights was to get the DJ behind the brand and mentioning it throughout the night, she explains. "It wasn't about giving away lots of free stuff—it was about getting the product out there." The company also found success in getting its product placed in music videos, movies and television shows.

#### PATIENCE IS A MARKETING VIRTUE

As author Levinson (who is also chairman of Guerrilla Marketing International, a San Rafael, California-based consulting firm he founded) explains, the key to guerrilla marketing success is patience. He cites his work on the "Marlboro Man" campaign as the perfect example of a company's commitment to and patience with a brand. "We came up with the idea of the Marlboro Man, cowboys and Marlboro country and began a marketing campaign," he remembers. "A year and \$18 million later, nothing changed. The brand's popularity had not risen. However, the chairman at the time had patience and another year later, the marketing had paid off."

**"Guerrilla marketing is going after conventional goals, such as profits, using unconventional, usually low-cost, means."**

**Jay Conrad Levinson, Guerrilla Marketing International, San Rafael, California**

Small marketers agree. At Sovereign Brands LLC, Heather Schneider, marketing manager, says the company has taken a slow approach to building its 3 Vodka brand. "The techniques that we use are very different because we are so small and very few people have heard of us," she explains. "We are competing with the Absolut of the world."

The company takes its relationships with accounts to the next level, Schneider says. "We can sell the vodka to any venue and it will sit on the shelf," she notes. "But once we sell the product, we stand behind the product." One way Sovereign Brands has gotten consumer attention is by keeping up with the fashion trends for their giveaways. "We try to stay on top of fashion styles and hand out things that people aren't just going to use for that night," Schneider explains. For example, the company developed "trucker hats" featuring the company logo, when actor Aston Kutcher spawned the trend.

One of the more stealth tactics the company has used was giving coupons for free drinks at local bars throughout Chicago. "We hired models to canvas the city, giving out coupons for a free 3 Vodka drink at three clubs owned by a large account," Schneider says. The coupons drove business to the account and encouraged trial, she adds.

#### WE INTERRUPT THIS EVENING FOR...

Some of the most effective guerrilla marketing techniques definitely catch consumers by surprise. Recently, Brown-Forman ran a "Refresh with Burlesque" promotion for Finlandia Vodka in bars and clubs in major cities around the country. The campaign featured three commercials, each three minutes in length, which "interrupted" the partying at the venues. The three acts each

focused on a specific drink and then samples were given out. "Models stayed around to mingle and explain what had just happened," explains Shimain Rivera, metro New York Finlandia brand ambassador. "The people were surprised. They said they had never seen sampling like this before. The giveaways kept with the burlesque theme, including feather boas."

On the West Coast, Finlandia ran a similar promotion. "We look for the right account and demographic, trying to meet as many people as possible," says Valerie Kelly, Finlandia's West Coast on-premise market manager. In addition, the company has an English-style double-decker bus that is wrapped in Finlandia logos. "It is something that we have driving up and down Sunset Boulevard," explains Kelly. "We also do promotions in it."

Alizé's Gam notes that the company also has a wrapped bus in about 10 to 15 major markets. However, he says, "We do not sample out of the vehicles."

At Allied Domecq Spirits North America, many of the brands have been known to use guerrilla marketing techniques. Most recently, the company's Fonzworth Bentley campaign for Courvoisier has the official "Arbiter of Good Taste" making local market appearances as part of the "Most Exclusive Courvoisier VSOP Gentleman's Tour" that began in May. Also, the company's Kahlúa Shaker Program features a cocktail shaker that is distributed at national restaurant chains and during happy hour at regional on-premise accounts. The program aims to increase the trial of Kahlúa Black and White Russians, while offering simple recipes for convenient, at-home consumption, according to the company.

"Non-traditional marketing—like the Courvoisier campaign with Fonzworth Bentley or the Midori 'It Girl' Tour—is becoming more common at Allied Domecq, because it creates a competitive advantage by reaching consumers of our premium brands in unexpected way," says David Karraker, vice president of communications at Allied Domecq.

#### NOT ONE FOR ALL

Not all brands are made for guerrilla marketing techniques and not all spirits marketers are game for such covert operations.

At Jim Beam Brands Co., marketing outside of traditional advertisements and merchandising includes "experiential marketing," says Aaron Brost, senior public relations manager. "In other words, programs that educate, encourage trial and stimulate brand awareness." He does note that these are all in partnership with on- and off-premise retailers and are not unexpected by the company's trade partners or consumers. "Stealth or guerrilla techniques do not allow us to educate consumers on the quality of our portfolio and, for many of our brands, are not part of our overall



ABOVE: Heaven Hill Distilleries Inc. creates a "Hypnotic experience" at bars and clubs with samples of signature Martinis, served with blue glow sticks.

# "Generally most states would prohibit any type of marketing program that encourages the consumption of alcohol."

Vincent O'Brien, Nixon Peabody LLP, New York

marketing plan," Brost explains.

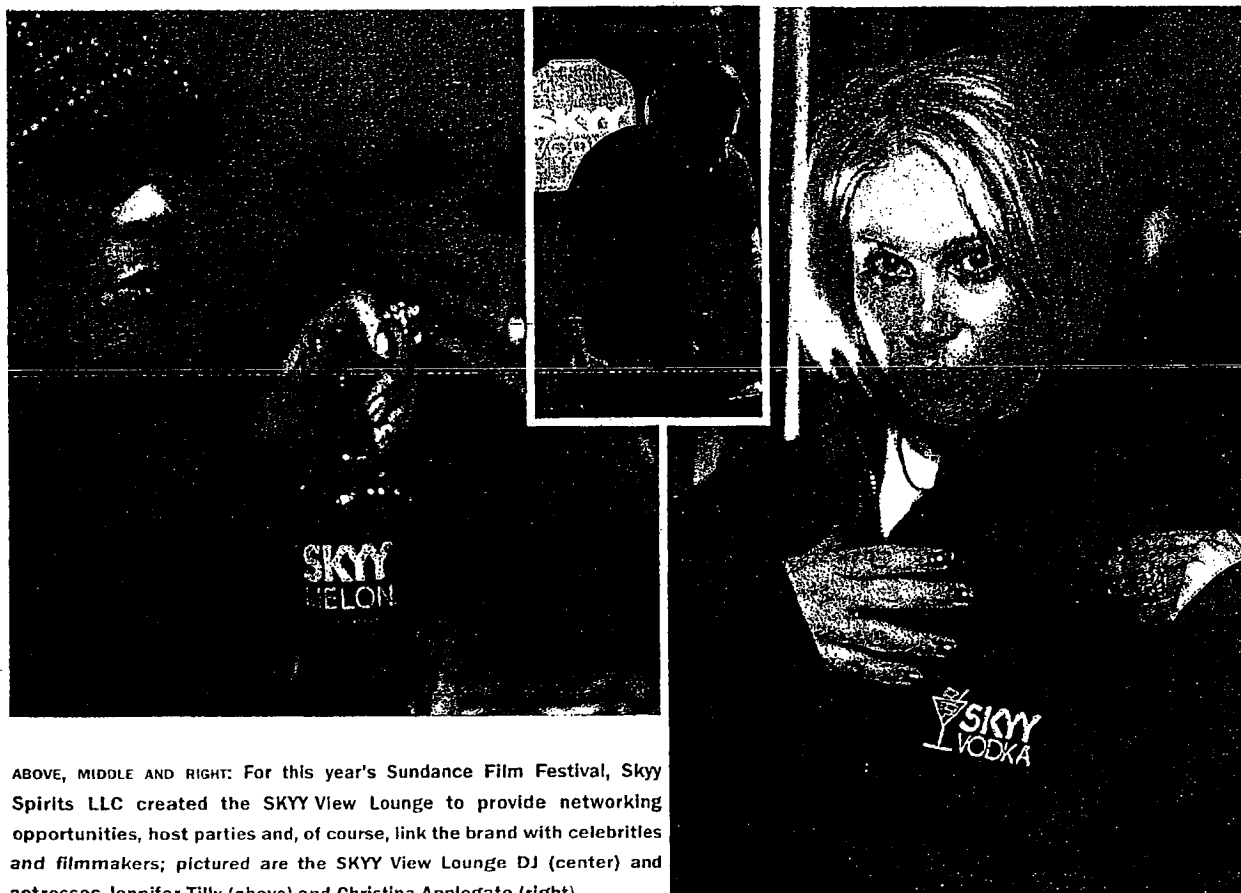
However, the spirits executive does note that there are some opportunities where guerrilla techniques can be effective. For example, on August 15<sup>th</sup>, marking the start of the 2004 football season, the company launched the "Jim Beam Game Day Blitz," which features on-premise Blitz Girls and a Game Day Blitz Motor Coach. This program combines on-premise event marketing with an off-premise sweepstakes to drive consumer call, increase brand relevance and provide a fun forum for product education, Brost says. The national promotion runs through November 15<sup>th</sup>.

At Diageo North America, guerrilla tactics are only used when it fits with the desired brand image. For example, the company has recently run two guerrilla campaigns for Captain Morgan—Captain for Governor (during the recall election in California last year) and Captain for

President (featured at both the Democratic and Republican National Conventions). The promotions were started in a grassroots way, with what appeared to be write-in votes for the Captain.

For Jose Cuervo Tequila, Diageo put in a \$1 million bid to the City of Los Angeles to put up a Cuervo Nation sign next to the Hollywood sign. While the request was denied, "It was something that enabled us to get coverage for the brand," says Zsoka McDonald, director of media relations at Diageo North America. "We were willing to pay the \$1 million, though."

The company does not use such techniques on the Baileys brand. "I think this marketing has to go with the personality of the brand," explains McDonald. "Captain and Cuervo are outgoing, fun-loving brands. Baileys is more mellow. The brand persona is not the kind of go out and party persona, it is a sitting down with friends to have a quiet, good time."



ABOVE, MIDDLE AND RIGHT: For this year's Sundance Film Festival, Skyy Spirits LLC created the SKYY View Lounge to provide networking opportunities, host parties and, of course, link the brand with celebrities and filmmakers; pictured are the SKYY View Lounge DJ (center) and actresses Jennifer Tilly (above) and Christina Applegate (right).



ABOVE AND IMMEDIATE RIGHT: Brown-Forman's "Refresh with Burlesque" promotion for Finlandia Vodka featured three-minute commercials for cocktails made with the spirit. FAR RIGHT: Kobrand Corp. got Alizé in the hands of tastemakers by sponsoring the official after party at the BET Awards in Los Angeles; pictured are Usher (bottom) and Denise Richards and Fergie from the band the Black Eyed Peas (top).



#### SEEMINGLY SATURATED

With so many companies—big and small—jumping on the guerrilla marketing bandwagon, does this leave the market too saturated and consumers numb to its effects? Most spirits marketers give a resounding "No."

"The reality is that if done tastefully, it is a natural extension of the brand," says Absolut's Fisher. "If you are a smart brand, you can be successful. Advertising is not as effective as it once was, and that is where this type of marketing comes in to play."

Heaven Hill's Latts notes that there is potential for saturation with sponsorships. But adds, "If a promotion is done in the right way and you have a unique product, people are going to remember."

And Finlandia's Kelly concurs that guerrilla marketing done correctly works. "The market is saturated," she says. "But it is saturated because it is working."

Allied Domecq's Karraker notes, "Overall, having the right marketing mix is key. By understanding the consumers you can reach them at various touch points during their days—on the way to work, at the gym, after work, at night at a bar. This is where non-traditional and creative thinking becomes our best asset."

#### TREADING CAREFULLY

While guerrilla marketing techniques are getting more

and more mainstream and consumers are truly beginning to expect them, in the spirits world, marketers have to be careful not to overstep the legal limitations on the beverage. In fact, each state has its own legal hurdles that marketers must overcome to run certain promotions and marketing campaigns.

"Generally most states would prohibit any type of marketing program that encourages the consumption of alcohol as part of it," says Vincent O'Brien, senior counsel who specializes in beverage alcohol law at the New York-based law firm Nixon Peabody LLP. "If it is designed to promote consumption of a certain product over someone else's, that is okay. These campaigns are not about increasing consumption, they are about shifting market share."

O'Brien notes that while each state does have distinct, albeit often archaic laws, there are usually ways to curb a promotion slightly to fit within the legal realm. In fact, he says that oftentimes the laws and policies of the states are so outdated, they do not even account for the technologically advanced marketing and advertising campaigns many companies are running. And it is often a matter interpretation of the existing regulations.

In all, O'Brien does not think spirits marketers should shy away from guerrilla techniques. "Just because something is unconventional doesn't mean it is illegal," he notes. "There is always room for creativity and a new way to do things." ♦

## ***BurrellesLuce Express***

75 East Northfield Road/ Livingston, NJ 07039 / 973-992-6600

**SOURCE:** Indiana Business Magazine

**SUPPLIER:** eClip

**DATE:** 08-01-2006

**HEADLINE:** Brand Awareness

Hromadka, Erik (Copyright 2006 ProQuest Information and Learning Company) UMI

IT DOESN'T TAKE LONG to judge a brand. We do that in just a fraction of a second each time we see a familiar logo that elicits feelings and emotions about a company, product or service.

As a unique and identifiable symbol, name or trademark, a brand differentiates competing products or services by triggering a relationship between the company and its customers. For better or worse, that relationship is based on previous experience with the brand and it generates expectations about what future interaction will be like.

Therefore, it should be no surprise that the process of creating brand recognition for a business is an extremely important marketing tool that can take years to develop, and making sure a brand's identification creates a positive impression is a process that never ends.

Be unique. Tim Simic, owner of Green Light Creative in Hammond, notes that branding is an opportunity for a company to strike out and develop something unique.

Although it may be tempting for companies to look at their competition, collect existing marketing materials and try to do something similar, Simic says that is the wrong approach.

"When you are establishing a brand, you are trying to tell people 'I am different from my competition!'" he says.

"So many times, people try to set rules and say 'you have to do this...' but I like to go in without any rules and think 'what can we do?' he says.

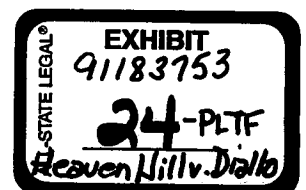
Once a brand is developed, the next step is to advertise the brand to targeted audiences. While that usually means reaching customers, it can also include building a brand identity among employees, vendors and the general public.

For example, since recent mergers, acquisitions and name changes have made the banking industry very competitive; Simic says it is important to build brand recognition among both the existing customers and those who may become new customers.

In addition to creating marketing images that develop a company's brand, Simic also looks for unique ways to get those images noticed. For example, when working with banks in northwest Indiana, he often uses Snapquik signs that have a metal frame to display banners at drivethrough teller windows.

"When you are going to do something, you need to do it well," Simic says. Having a banner with your logo flapping in the wind may not present the most professional image, he notes.

You are a brand. Thom Villing, president of Villing & Co. in South Bend, says that as the grandson of a blacksmith, forging brands comes naturally to him. However, he encourages business owners to think beyond the logo and company slogan that are often considered the essence of a brand.



Developing a brand means understanding your mission and vision and doing some self-analysis to see how you are perceived by the world, he explains. "Every individual, company and organization has a brand," he says. "They just need to figure out what it is."

Once you have identified how you want to be branded, then you need to take steps to create that brand, Villing says. "Understand the essence of your brand and make sure that your employees and vendors communicate that to your customers," he advises.

Villing says examples of good branding in northern Indiana include the South Bend Chocolate Co. and Memorial Hospital, two very different organizations with completely different types of products and services.

The South Bend Chocolate Co. has created a positive image of a quality consumer product and an experience centered on such a purchase, something Villing credits to leadership at the company understanding the importance of branding.

"A strong entrepreneur has a real vision and is very focused on making that a reality," he explains. "They've done a wonderful job in a very short period of time."

At the same time, a Are established institution like Memorial Hospital identifies itself as a regional center of excellence and built such a reputation over many years by consistent marketing that is followed up by actions.

Develop an identity. Vaughn Hickman, of Hickman+Associates in Carmel, agrees that building a brand is a comprehensive process of developing an identity.

"It's embodied in a campaign and everything from someone answering the phone to lobby design to the logo and advertising," he says, adding that everything must work together to support the brand.

While Hickman says that consumer brands are the most popular examples, he notes that sometimes non-traditional branding campaigns can be very successful.

For example, he worked on a campaign for the new corporate campus in the city of Noblesville that worked to brand the place an ideal place to live and work. The idea was to combine the relaxed culture of a small town with a progressive business community.

As a result, a series of ads was created using illustrations to show both aspects of the city. The ads featured combinations such as a Boy Scout leading a businessman across a busy street and a diner displaying both today's special and today's Dow Jones Industrial Average.

"The important thing is to be strategic about it and know what you are trying to accomplish," he explains.

Own a look. Randy Rohn, senior vice president and executive creative director at Keller Crescent in Evansville, cites examples of branding that worked on a national account for *Heaven Hill Distilleries*.

An advertising campaign for *Evan Williams bourbon whiskey* built the brand by stressing the importance of aging. Ads compared *Evan Williams* to other things that aged well, from coal that turned into diamonds to little pine trees that became Christmas trees.

Rohn says he knew the ads were successful when spoofs of the campaign started appearing online and in other media. "One of the ways to judge how effective your advertising is involves seeing if it becomes part of pop culture," he says.

Another sign of success is owning a certain look, such as the campaign that Keller Crescent developed for Hpnotiq liquor.

"We were able to start from the very beginning with a new brand and start by designing the look and the colors," he explained. By using distinctive art that looked hypnotic as well as the color turquoise, the agency made its mark in a very competitive segment. "We owned the color turquoise for liquor," Rohn says.

Design to grow. Synergy Marketing in Indianapolis encourages its clients to approach branding with an initial strategic plan and market research so branding efforts will not only help the company to be recognized, but also allow it to grow and adapt in the marketplace.

Amy Zucker, who often works with startup companies, suggests that a brand is not just a static design. It must represent not just a company's current image, but also new products and services that may be added in the future and a marketplace that continues to evolve.

"We're creating brands that will serve as a long-term foundation," she explains. "We try to help our clients meet today's needs but also prepare for tomorrow's opportunities and challenges."

Zucker says that means understanding a company's value proposition and what differentiates it from the competition. For example, she worked with BioStorage Technologies, a new company that has both the expertise and facilities to provide secure storage for life sciences and pharmaceutical companies.

By branding the company as "the future of specimen management is secure" and providing an informational e-newsletter, Zucker helped to make it a dominant player in its niche market.

"Their customers now see them as a more comprehensive solution," she says, noting that will help the company grow and be successful in the future.

Copyright Curtis Magazine Group, Inc. Aug 01, 2006

*Highlights: Heaven Hill Distilleries, Evan Williams, bourbon, whiskey, Evan Williams*



1. Grammy's Style Studio Party, singer Adam Gaynor of Matchbox 20
2. Grammy's Style Studio Party, singer Paul Stanley of KISS
3. Grammy's Style Studio Party, singer Fergie of Black Eyed Peas
4. Shannon Elizabeth's Birthday Party, Shannon Elizabeth and guest
5. Carl Wilson Foundation Event, Mark Wahlberg and fiancée Rhea Durham
6. Wedding Season: Launch Party, actress Molly Ringwald
7. Wedding Season: Launch Party gift bag
8. Second Annual Very Hep Day Party, Sex and the City actor, Willie Garson and guests
9. Down With Love: Release Party, actor Peter Onorati
10. Actor Jonathan Silverman
11. Fan Fair, country singer Katie Cook



Photography courtesy of WireImage

# IT'S HYPNOTIC.

hpnotiq.com

Stay Free! [www.stayfree.com](http://www.stayfree.com) 1-800-368-7446  
Wingman® [www.wingman.com](http://www.wingman.com) 1-800-368-7446  
© 2001 Stay Free, Inc.



IT'S AT ALL  
THE BEST PARTIES.

# THE



1. Breakthrough of the Year  
Awards, prelude dinner  
guests and cover
2. Breakthrough of the Year  
Awards, prelude dinner  
guests and cover
3. Breakthrough of the Year  
Awards, prelude dinner  
guests and cover
4. Breakthrough of the Year  
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11. Breakthrough of the Year  
Awards, prelude dinner  
guests and cover

IT'S AT ALL  
THE BEST PARTIES.



33rd Annual American Music Awards  
inStyle Aspen Celebrity Downhill  
Jessica Simpson's 25th Birthday Party  
Desperate Housewives "Back to School"  
Party Hosted by People Magazine  
WB "Make a Discovery" Oscar Retreat  
E! Entertainment Television's Summer Splash  
Reebok & ESPN Celebrate 20 Years of  
the Reebok Pump  
14th Annual Music Video Production Awards  
Comedy Central's "Drawn Together 2:  
Hawaii" Premiere Party  
Skating with Celebrities Premiere Party at IVAR  
4th Annual WeSparkle Variety Hour After Party  
Silver Rose Awards & Auction benefitting  
the Jenesse Center  
2nd Annual Halloween Benefit for the 18th  
Street Arts Center  
Elle Décor & Grace Home Furnishings  
"Go Glamour! Celebration"  
Heritage Collection by Keds Fall Launch  
United Talent Agency Foundation Event  
E! Young Hollywood Party  
Rize Premiere After Party  
Lords of Dogtown Premiere After Party  
26th Annual LACE Art Auction  
The Laurence School Annual Fundraiser  
Reebok/Sportie LA Event  
Create: Fixate Art Exhibit  
Night of 100 Stars  
Buena Vista Upfronts Party  
Make-A-Wish Foundation Wish Night Gala  
Vari Film Group American Film Market  
Cocktail Party



Pre-MTV Movie Awards Style Lounge  
 LOST: Season 1 DVD Launch Party  
 STAR Grammy Style Lounge  
 Blender Magazine's Rock and Roll Issue Party  
 Jamie-Lynn DiScala's 24th Birthday Party  
 Dreamworks' Annual Charity Golf Classic  
 Silver Spoon 2nd Annual Hollywood  
 Dog & Baby Buffet  
 Michael Black Modern Vintage Fashion Show  
 Anastasia Pre-Oscar Retreat  
 "The Daddy Box" Fundraiser  
 Complex Fusicology Event  
 The Hollywood Reporter's 34th Annual  
 Key Art Awards  
 Motown Remixed Album Pre-Release Party  
 Entertainment Weekly's "Must List" Edition Party  
 Berman/Turner Art Gallery Opening  
 Emerging Female Film-makers Fundraiser  
 Pasadena Museum of Art Exhibit Opening  
 Red Carpet Boutique Benefitting the  
 Step Up Women's Network  
 ScopeHamptons Art Fair  
 Karen Lynne Gallery, Beverly Hills  
 SEBA Opening  
 Puma Fashion Show/Interview  
 Magazine Event  
 Undiscovered premiere  
 Gotham Labor Day party  
 Diddy St. Tropez party

Plus more events to come, every week!

Photography courtesy of WireImage

IT'S HPNOTIQ

hpnotiq.com

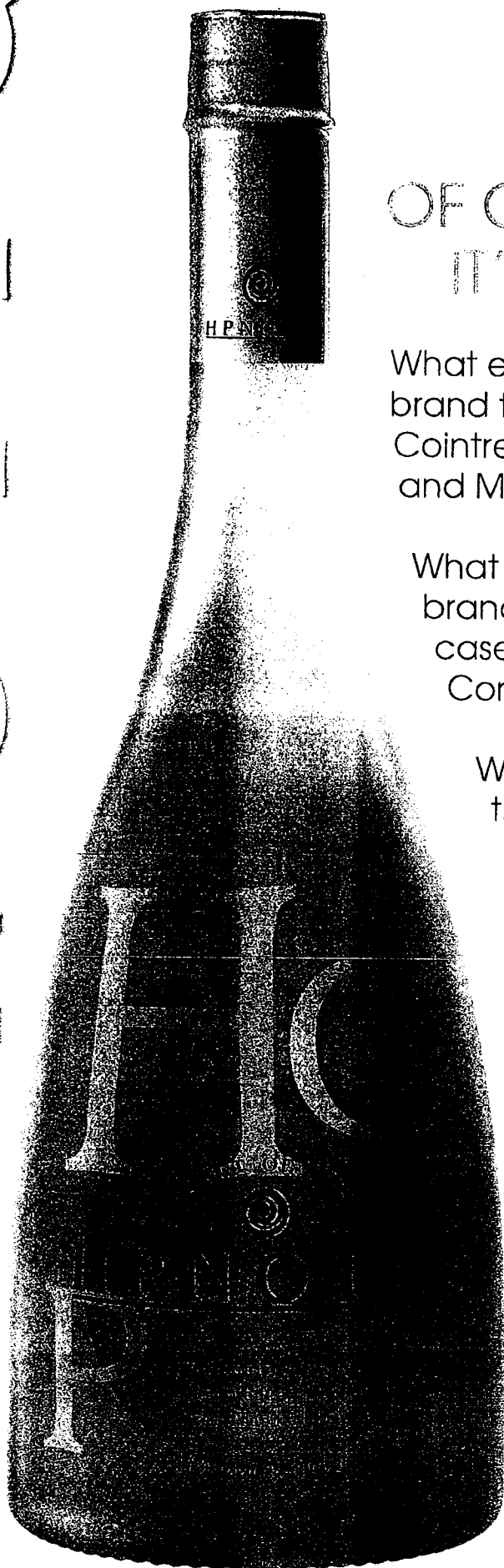
50% Alc./Vol. (100 Proof) Drink Responsibly HPNOTIQ®.  
 Imported by W & J Imports LTD., Bardonia, NY 17% Alc./Vol.  
 © 2006 W & J Imports LTD. HP10206E

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***Heaven Hill Distilleries, Inc. vs. Yassin Patrice Diallo***  
**Opposition No. 91183753**

**Trial Testimony Deposition Exhibits**  
**J. Ames (Volume 3; No. 26)**

*Rubber banded together separately*



OF COURSE,  
IT'S HPNOTIC

What else can you say about a  
brand that outsells Grand Marnier®,  
Cointreau®, Chambord®,  
and Midori®?

What else can you say about the  
brand responsible for 40% of the  
case sales gain for the entire  
Cordial and Liqueur category?\*

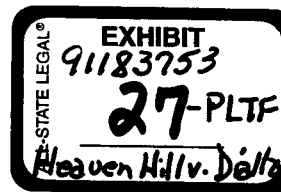
What else can you say about  
this award-winning brand?



Plenty!

See other side.

\* Based on 2006 Adams Report

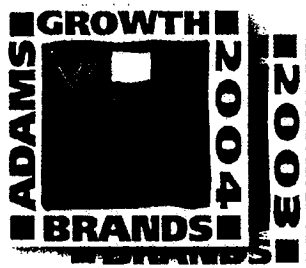


The awards, accolades  
and sales are pouring in  
so fast, it's HPNOTIQ.

#### Impact Hot Brand in 2004 and 2006

**2004:** Named significant new product because of the brand's outstanding performance in its launch year.

**2006:** Named a "Hot Brand" again. Recognized as an established brand with at least 15% sales growth from 2004-2005.



#### Adams Growth Brand

Rising Star Award identifies the fastest growing brands of the year. HPNOTIQ wins two years running.

#### Drinks International

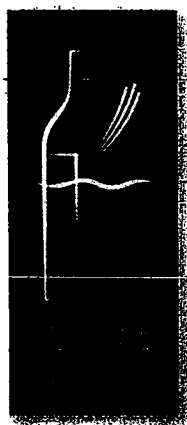
- The most read and respected spirits trade publication in Europe and Asia
- Selected as one of the most dynamic, successful brands in the world



#### Elsie Award

Presented by Liquor Control Board of Ontario, the single largest purchaser of wine and spirits in the world.

- Best new distilled spirits product launch
- Attained first year's target sales in only 3 months despite a very limited, late launch



"HPNOTIQ® has hit the spirits industry like a bolt out of the blue."  
Advertising Age

#### Unparalleled Creativity

HPNOTIQ's advertising has been a consistent award winner recognized by:

- Beverage Dynamics-Best Ad Campaign
- Creativity Annual-Two years in a row
- International Communicator Award
- US Ad Review
- Regional and local awards including ADDY Best of Show

IT'S HPNOTIQ®  
hpnnotiq.com

Grosses délivrées  
aux parties le :

**REPUBLIQUE FRANCAISE**  
**AU NOM DU PEUPLE FRANCAIS**

**COUR D'APPEL DE PARIS**

**4ème Chambre - Section A**

**ARRET DU 10 MAI 2006**

(n° , 5 pages)

Numéro d'inscription au répertoire général : 05/24489

Décision déferée à la Cour : Décision du 25 Novembre 2005 -Institut National de la  
Propriété Industrielle de PARIS - RG n° 05/1410cbn

**DEMANDEUR AU RECOURS**

**Monsieur Yassinn Patrice DIALLO**  
demeurant 2 square Tribord  
91080 COURCOURONNES

assisté de Me Dieu-Donné ASSOGBA, avocat au barreau de Benin, toque : E 522

**Monsieur le Directeur de l'INPI**  
26 BIS rue de Saint Pétersbourg  
75008 PARIS

représenté par Madame GUILLOT-MINGANT

**AUTRE PARTIE :**

**HEAVEN HILL DISTILLERIES inc**  
ayant son siège 1064 Loretto Road  
PO BOX 729 - 4004 BARDSTOWN - KENTUCKY  
ETATS UNIS D'AMERIQUE DU NORD

représentée par la SCP DUBOSCQ - PELLERIN, avoués à la Cour  
assistée de Me DE BELENET, avocat au barreau de PARIS, toque : T03, plaidant pour la  
SCP GIDE-LOYRETTE-NOUEL

**COMPOSITION DE LA COUR :**

L'affaire a été débattue le 04 Avril 2006, en audience publique, devant la Cour  
composée de :

Monsieur Alain CARRE-PIERRAT, Président  
Madame Marie-Gabrielle MAGUEUR, Conseiller  
Madame Dominique ROSENTHAL-ROLLAND, Conseil

qui en ont délibéré

*Clf*

*[Signature]*



GREFFIER, lors des débats : Mme Jacqueline VIGNAL

MINISTERE PUBLIC à qui le dossier a été préalablement soumis et représenté à l'audience par Madame GIZARDIN, substitut du Procureur Général, qui a présenté des observations orales

**ARRET : CONTRADICTOIRE**

- prononcé publiquement par Monsieur Alain CARRE-PIERRAT, Président  
- signé par Monsieur Alain CARRE-PIERRAT, président et par Mme Jacqueline VIGNAL, greffier présent lors du prononcé.

**LA COUR**

**Vu la décision** du directeur de l'Institut National de la Propriété Industrielle du 25 novembre 2005 qui, statuant sur l'opposition n° 05-1410 formée le 25 mai 2005 par la société HEAVEN HILL DISTILLERIES, titulaire de la marque verbale "HPNOTIQ" déposée le 24 janvier 2002 et enregistrée sous le n° 02 3 143 392 pour désigner les produits suivants : "liqueurs", à l'encontre de la demande d'enregistrement n° 05 3 342 166, déposée le 18 février 2005 par Yassinn DIALLO, portant sur la dénomination "HYPNOTIZER", pour désigner les produits suivants : "bières ; eaux minérales ; boissons alcooliques ; vins ; spiritueux", l'a reconnue justifiée et, en conséquence a rejeté la demande d'enregistrement ;

**Vu le recours** formé à l'encontre de cette décision le 26 décembre 2005, et les mémoires du 23 janvier 2006 ainsi que celui du 13 mars 2006 par lesquels Yassinn DIALLO demande à la Cour de déclarer illégale la présence du directeur de l'Institut National de la Propriété Industrielle dans le cadre de la présente instance, l'enregistrement du signe "HYPNOTIZER" pour les produits cités ci-dessus et la condamnation de la société HEAVEN HILL DISTILLERIES au versement des sommes de 1200 euros et de 2.500 euros sur le fondement de l'article 700 du nouveau Code de Procédure Civile ;

**Vu les observations** du 15 mars 2006 par lesquelles le directeur de l'Institut National de la Propriété Industrielle conclut au rejet du recours ;

**Vu les observations** du 15 mars 2006 par lesquelles la société HEAVEN HILL DISTILLERIES demande, d'une part, la confirmation de la décision attaquée ayant retenu le risque de confusion entre les deux signes et ayant considéré que les produits "liqueurs, bières, boissons alcooliques, vins et spiritueux" étaient soit identiques, soit similaires, et d'autre part, l'annulation partielle de la décision précitée ayant refusé d'admettre la similarité des "liqueurs" et "eaux minérales" ainsi que la condamnation de Yassinn DIALLO au versement de la somme de 12.000 euros sur le fondement de l'article 700 du nouveau Code de Procédure Civile ;

Le Ministère Public ayant été entendu en ses observations orales ;

## SUR QUOI,

### o A titre préliminaire

Considérant que contrairement à ce que soutient le requérant, la présence du directeur de l'Institut National de la Propriété Industrielle dans le cadre de la présente procédure n'est pas "illégal" ;

Qu'en effet la participation du directeur de l'Institut National de la Propriété Industrielle aux débats suivis devant une cour d'appel saisie d'un recours contre une décision qu'il a rendue résulte de l'article L.411-4 du Code de la Propriété Industrielle ; que Yassin DIALLO n'est donc pas recevable à invoquer l'article 6 de la Convention Européenne des Droits de l'Homme ;

### o Sur la comparaison des produits

Considérant que la marque antérieure invoquée "HPNOTIQ" désigne des "Liqueurs" ;

Que la demande d'enregistrement litigieuse "HYPNOTIZER" porte sur les "Bières ; eaux minérales ; boissons alcooliques ; vins ; spiritueux" ;

Considérant que les "eaux minérales", n'étant pas des boissons alcooliques, ne présentent pas de lien étroit de similarité avec les "liqueurs" ;

Mais considérant que les "boissons alcooliques ; spiritueux" incluent nécessairement les "liqueurs" de la marque antérieure, ces dernières appartenant à la catégorie générale constituée par les "boissons alcooliques ; spiritueux" ; que les "bières et vins", boissons alcooliques, et les "liqueurs", sont fréquemment distribués par les mêmes réseaux et placés à peu de distance les uns des autres sur les rayons des magasins ; que l'ensemble de ces produits s'adressent à un public consommateur de boissons alcoolisées ;

que ces produits présentent un lien étroit et obligatoire, de telle manière que le consommateur sera enclin à leur attribuer une origine économique commune ;

Qu'il s'ensuit que les produits de la demande d'enregistrement- à l'exception des "eaux minérales"-sont identiques ou, à tout le moins, similaires à ceux de la marque antérieure ;

### o Sur la comparaison des signes

Considérant que la marque antérieure invoquée porte sur la dénomination "HPNOTIQ" ;

Que la demande d'enregistrement litigieuse porte sur le signe verbal "HYPNOTIZER" ;

Considérant que le signe critiqué ne constituant pas la reproduction à l'identique de la marque première qui lui est opposée, il convient de rechercher s'il existe entre les deux dénominations un risque de confusion, lequel doit s'apprécier globalement, en tenant compte de tous les facteurs pertinents du cas d'espèce ; que cette appréciation globale doit, en ce qui concerne la similitude visuelle, phonétique ou conceptuelle des marques en cause, être fondée sur l'impression d'ensemble produite par celles-ci en tenant compte de leurs éléments distinctifs et dominants ;

Considérant que visuellement et phonétiquement, les dénominations en cause ont en commun six lettres placées dans le même ordre (H,P,N,O,T,I), la lettre H étant située en attaque et suivie de la séquence centrale PNOTI, ce qui leur confère une physionomie et une sonorité proches ;

Qu'intellectuellement, les deux dénominations évoquent la même référence au domaine de l'hypnose ;

Qu'il s'ensuit que l'adjonction de la lettre Y et la substitution en final du groupe de lettres ZER à la lettre Q au sein du signe contesté ne sont pas déterminantes dans l'impression d'ensemble conférée par les deux signes, la forte évocation intellectuelle restant identique ;

Qu'en effet, le consommateur, désormais familiarisé aux raccourcis du langage écrit dans l'usage des moyens de télécommunications électroniques, percevra la marque HPNOTIQ -fortement distinctive au regard des produits visés - comme renvoyant au terme HYPNOTIQUE ;

Considérant qu'il ressort de l'ensemble de ces constatations qu'il existe un risque de confusion entre les signes en cause, eu égard à l'impression d'ensemble très proche qu'elles suscitent et à la proximité des produits qu'elles désignent ;

Que par conséquent, le recours doit être rejeté ;

Considérant, selon l'article 421-20 du Code de Propriété Intellectuelle, que *"le délai du recours formé devant la cour d'appel contre les décisions du directeur de l'Institut National de la Propriété Industrielle est d'un mois"* ; que le recours incident de la société HEAVEN HILL DISTILLERIES tendant à l'annulation partielle de la décision du directeur de l'Institut National de la Propriété Industrielle, faute d'avoir été formulé dans le délai imparti, est irrecevable ;

Considérant qu'il n'y a pas lieu de faire application de l'article 700 du nouveau Code de Procédure Civile ;

#### PAR CES MOTIFS

Rejette le recours formé par Yassinn DIALLO,

Déclare le recours incident de la société HEAVEN HILL DISTILLERIES irrecevable,

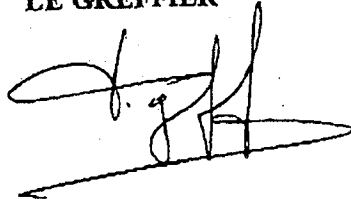
Cour d'Appel de Paris  
4ème Chambre, section A

ARRET DU 10 MAI 2006  
RG n°2005/24489 - 4ème page

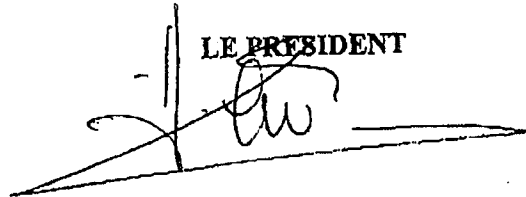
Dit n'y avoir lieu à application de l'article 700 du nouveau Code de Procédure Civile,

Dit que la présente décision sera notifiée par les soins du greffier, par lettre recommandée avec demande d'avis de réception aux parties et au directeur de l'Institut National de la Propriété Industrielle.

LE GREFFIER



LE PRÉSIDENT



Cour d'Appel de Paris  
4ème Chambre, section A

ARRET DU 10 MAI 2006  
RG n°2005/24489 - 5ème page

Engrossment issued  
to the parties on:

**FRENCH REPUBLIC**  
IN THE NAME OF THE FRENCH PEOPLE

**COURT OF APPEAL OF PARIS**

**4<sup>th</sup> Appellate Division – Section A**

**JUDGEMENT OF MAY 10<sup>th</sup>, 2006**

(No.                      , 5 pages)

Registration Number in the Corporate Directory: **05/24489**

Decision referred at the Court: Decision of November 25<sup>th</sup>, 2005 – National Industrial Property  
Office of PARIS – G.R. No. 5/1410cbn

**APPEAL BY PLAINTIFF**

Mr. Yassinn Patrice DIALLO  
2 square Tribors  
91080 COURCOURONNES

assisted by Dieu-Donné ASSOGBA Esq., attorney registered at the Bar of Benin, toque: E 522

**Mr. Director of the National Industrial Property Office (INPI)**  
26 BIS rue de Saint Petersburg  
75008 PARIS

represented by Mrs GUILLOT-MINGANT

**OTHER PARTY**

**HEAVEN HILL DISTILLERIES, Inc**  
With Corporate Headquarters in 1064 Loretto Road  
PO BOX 729 – 4004 BARDSTOWN – KENTUCKY  
UNITED STATES OF AMERICA

represented by the professional civil company DUBOSCQ – PELLERIN, attorney-at-law  
assisted by DE BELENET Esq., attorney registered at the Bar of PARIS, toque: T03, pleading for  
SCP GIDE-LOYRETTE-NOUEL

**COMPOSITION OF THE COURT:**

The case was debated on April 4<sup>th</sup>, 2006, in a public hearing, in front of the Court, composed  
of:

Mr. Alain CARRE-PIERRAT, President  
Mrs. Marie-Gabrielle MAGUEUR, Advocate  
Mrs. Dominique OSENTHAL-ROLLAND, Advocate  
who considered the verdict

**COURT REGISTRAR**, during the hearings: Mrs Jacqueline VIGNAL

**PUBLIC PROSECUTOR'S OFFICE**, to whom the record has been previously submitted and represented during the hearing by Mrs. GIZARDIN, Attorney General substitute, who presented oral arguments

**JUDGEMENT: AFTER TRIAL**

- read publicly by Mr. Alain CARRE PIERRAT, President
- signed by Mr. Alain CARRE-PIERRAT, President and by Mrs. Jacqueline VIGNAL, Court Registrar, present during the pronouncement.

**THE COURT**

**In the matter of the decision of the** Director of the National Industrial Property Office dated November 25, 2005 that, disposing the objection No. 05-1410 lodged on May 25, 2005 by the Company HEAVEN HILL DISTILLERIES, trademark owner of "**HPNOTIQ**", registered on January 24<sup>th</sup>, 2002 and registered trademark under No. 02 3 143 392 to refer to the following Products: "*liqueurs*", opposing the application for registration No. 05 3 342 166, registered on February 18, 2005 by Yassinn DIALLO, denominated "**HYPNOTIZER**", to refer to the following products: "*beers; mineral waters; alcoholic beverages; wines; spirits*", recognized the objection as justified and, consequently rejected the application for registration;

**In the matter of the appeal** made opposing this decision on December 26<sup>th</sup>, 2005, and the pleadings of January 23<sup>rd</sup>, 2006 and moreover the pleading of March 13<sup>th</sup>, 2006 by which Yassinn DIALLO applies to the Court to declare unlawful the presence of the Director of the National Industrial Property Office in this case, the registration of the sign "**HYPNOTIZER**" for the products mentioned above and the obligation of the Company **HEAVEN HILL DISTILLERIES** to pay the amounts of 1,200 euros and 2,500 euros in accordance with article 700 of the new Code of Civil Procedures;

**In the matters of the observations** of March 15<sup>th</sup>, 2006 by which the Director of the National Industrial Property Office concludes the dismissal of the Appeal;

**In the matters of the observations** of March 15<sup>th</sup>, 2006 by which the company HEAVEN HILL DISTILLERIES claims, on one hand, the confirmation of the contested decision, and having admitted the risk of confusion between the two signs and having considered that the products "*liqueurs, beers, alcoholic beverages, wines, spirits*" were either identical, either similar and, on the other hand, the partial annulment of the aforesaid decision, having refused to admit the similarity between "*liqueurs*" and "*mineral waters*" as well as Yassinn DIALLO's obligation to pay 12,000 euros in accordance with article 700 of the new Code of Civil Procedures;

**The Public Prosecutor's Office** having been heard in its oral arguments;

**WHEREAS,**

### Preliminarily

Considering that contrary to what the claimant is pleading, the presence of the Director of the National Industrial Property Office in the present proceedings is not “illegal”;

That in fact the participation of the Director of the National Industrial Property Office to the hearings before the Court of Appeal filed by a petition against a decision he has determined is in accordance with article L.411-4 of the Industrial Property Code; that Yassinn DIALLO is therefore not entitled to proceed with the claim to appeal to article 6 of the European Convention on Human Rights;

### About Comparison of the products

Considering that the previous invoked trademark “**HPNOTIQ**” indicates “*Liqueurs*”;

That the application for dispute registration “**HYPNOTIZER**” involves “*Beers; mineral waters; alcoholic beverages; wines; spirits*”;

Considering that “*mineral waters*” are not alcoholic beverages, and are not similar in any way with “*liqueurs*”;

But considering that “*alcoholic beverages*”; *spirits*” include necessarily the “*liqueurs*” from the previous trademark, those liqueurs belonging to the general category constituted by the “*alcoholic beverages; spirits*”; that the “*beers and wines*”, alcoholic beverages, and the “*liqueurs*” are often distributed by the same commercial systems and are placed near to each other on the shelves in the stores; that jointly, these products apply to a public consumer of alcoholic beverages;

That these products show a binding and close relationship, in order to be attributed a common origin by the consumer;

That, consequently, the products of the application of registering, exclusive of the “*mineral waters*”, are identical or, at least, similar to the ones of the previous trademark;

### About Comparison of the signs

Considering that the previous trademark referred to bears the item name of “**HPNOTIQ**”;

That the application for dispute registration bears the verbal sign “**HYPNOTIZER**”;

Considering that the criticized sign does not contrite the identical reproduction of the first trademark that is in opposition to the criticized sign, it is necessary to research if there is a risk of confusion between these two item names, which must be globally considered, taking into account all the relevant factors of the particular case; that this total consideration must be, as long as visual, phonetic or conceptual similarity of the item brands go, founded on the general impression created by these taking into account their dominant and distinctive elements;

Considering that visually and phonetically, the implicated corporate names have in common six letters placed in the same order (H, P, N, O, T, I), the letter H being situated in the leading position, followed by the central sequence PNOTI, conferring them a close sonority and aspect;

That intellectually, the two corporate names call to mind the same reference to the field of hypnosis;

That, accordingly, the addition of the letter Y, and the substitution at the end of the group of letters ZED to the letter Q in the middle of the contested sign, are not a deciding factor in the total impression given by these two signs, the strong intellectual evocation remains identical;

In fact, the consumer, from now on familiar with the shortcuts of the written language used in electronic telecommunications, will perceive the trademark HPNOTIQ- strongly characteristic when compared to the target products – as referring to the term HYPNOTIQUE;

Considering that it emerges from the entirety of these observations that there is a risk of confusion between the involved signs, as they give rise to a very close overall impression and concern products that are extremely similar;

That, consequently, the claim must be rejected;

Considering, according to the article 421-20 of the Code of Intellectual Property, that “*the delay of the action brought in front of the Court of Appeal against the decisions of the director of the National Industrial Property Office go back one month*”; that the incident of the HEAVEN HILL DISTILLERIES corporation tending to the partial annulment of the Director of the National Industrial Property Office’s decision, being lodged after the expiration of the period prescribed, is inadmissible;

Considering that applying to article 700 of the new Code of Civil Procedure is not necessary;

### **ON THESE GROUNDS**

The appeal formulated by Yassinn DIALLO is rejected,

It is declared that the claim made by HEAVEN HILL DISTILLERIES Corporation is inadmissible,

It is asserted that it doesn’t apply to article 700 of the new Code of Civil Procedure,

It is asserted that the present decision will be notified to the Registrar by registered letter with advice of delivery to the parties and to de Director of the National Industrial Property Office.

**THE REGISTRAR**

*Signature*

**THE PRESIDENT**

*Signature*

8. SEP. 2009 15:50

HARRISON GODDARD FOOTE

NO. 044 P. 3/22

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION NO 2462677  
BY**

**DIALLO YASSINN PATRICE**

**TO REGISTER THE TRADE MARK:**

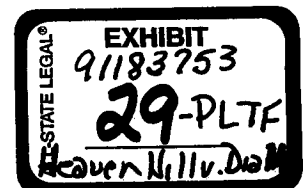
**HYPNOTIZER**

**IN CLASS 33**

**AND**

**THE OPPOSITION THERETO  
UNDER NO 95763**

**BY  
HEAVEN HILL DISTILLERIES, INC**



8. SEP. 2009 15:50

HARRISON GODDARD FOOTE

NO. 044 P. 4/22

**Trade Marks Act 1994****In the matter of application no 2462677****by Diallo Yassinn Patrice****to register the trade mark:****HYPNOTIZER****in class 33****and the opposition thereto****under no 95763****by Heaven Hill Distilleries, Inc*****Background***

1) On 30 July 2007 an application was filed to register the trade mark **HYPNOTIZER**. The application form showed the name Mr Diallo Yassinn Patrice, consequently, the surname of the applicant was recorded as being Patrice. However, it has become clear from these proceedings that the first name was in fact the surname and that the application should have been made in the name of Mr Yassinn Patrice Diallo. I will refer to the applicant, therefore, as Mr Diallo. The application for registration was published for opposition purposes on 23 November 2007 with the following specification:

*alcoholic beverages, wines, spirits.*

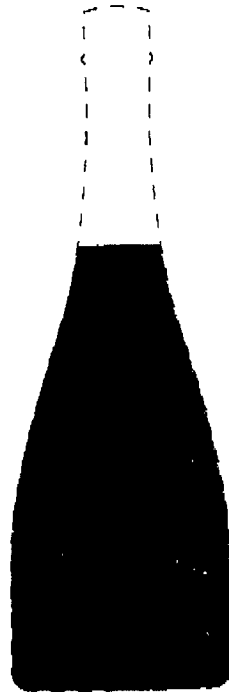
The above goods are in class 33 of the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, as revised and amended.

2) On 13 December 2007 Heaven Hill Distilleries, Inc (Heaven Hill) filed a notice of opposition against the registration of the application. Heaven Hill relies on sections 5(2)(b) and 5(4)(a) of the Trade Marks Act 1994 (the Act). According to section 5(2)(b) of the Act a trade mark shall not be registered if because:

"it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark."

The earlier trade marks upon which Heaven Hill relies are two Community trade mark registrations: nos 2620466 and 2989085. Both are registered for *liqueur*, which is in class 33 of the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, as revised and amended. Both trade marks have an earlier filing date than the application and neither had been registered for five years or more at the time of the publication of Mr Diallo's trade mark, so neither

is subject to the proof of use provisions. Registration no 2620466 is for the trade mark **HPNOTIQ** and registration no 2989085 is for the trade mark:



The colour blue is claimed in relation to the above trade mark. Heaven Hill claims that its trade marks are similar to that of Mr Diallo and that the respective goods are identical or similar. Consequently, registration of the trade mark should be refused as per section 5(2)(b) of the Act.

3) Section 5(4)(a) of the Act states:

"(4) A trade mark shall not be registered if, or to the extent that, its use in the United Kingdom is liable to be prevented-

(a) by virtue of any rule of law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade,"

Heaven Hill claims that it has used the sign HPNOTIQ as a name and label for alcoholic beverages since August 2004. Consequently, registration of the trade mark should be refused as per section 5(4)(a) of the Act.

4) Mr Diallo filed a counterstatement. He denies that the respective goods are identical or similar or that the respective trade marks are similar. Mr Diallo requests that the opposition is rejected.

5) Both parties filed evidence.

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HARRISON GODDARD FOOTE

NO. 044 P. 6/22

6) In the official letter of 19 June 2009, issued subsequent to the filing of the final round of evidence, the parties were advised:

"The Hearing Officer will decide the case on the specification currently before him. The applicant may wish to submit a limited specification which will be borne in mind by the Hearing Officer in reaching the decision. This will not represent a binding restriction of the specification."

7) A hearing was held on 26 August 2009. Heaven Hill was represented by Mr David Potter of Harrison Goddard Foote. Mr Diallo represented himself with the assistance of Mr Abdoulage.

### **EVIDENCE**

#### ***First round of evidence of Heaven Hill***

8) This consists of a witness statement by Mr Max L Shapira. Mr Shapira is the president of Heaven Hill. Mr Shapira states that Heaven Hill uses the trade mark HPNOTIQ as the name of an alcoholic beverage and in relation to connected services pertaining to the provision of beverages and entertainment services. At exhibit A are copies of pages from a website, its-hypnotique.co.uk, which is a website under the control of Heaven Hill. The pages list establishments that stock HPNOTIQ. The pages bear a copyright date of March 2008 and so emanate after the date of Mr Diallo's application (the material date).

9) Mr Shapira states that HPNOTIQ was first used in the United Kingdom in August 2004 and that it has been used continuously since then. He gives a breakdown of the approximate retail sales value of goods sold under the trade mark:

2007	£260k
2006	£200k
2005	£822k
2004	£510k

The above gives a total of £1,792k. However, Mr Shapira states that the total retail sales value for the period from August 2004 to December 2007 was approximately £1.3 million; there is a discrepancy of £492k between the two sets of figures.

10) Mr Shapira states that Heaven Hill's promotion of HPNOTIQ has included fees for PR agents, marketing samples, organisation of incentive programmes in nightclubs, exhibitions, leaflets, posts and point of sales materials. At exhibit C is a printout of marketing expenses for HPNOTIQ in the United Kingdom in United States dollars. The figures in United States dollars are as follows:

8 December 2004	\$103,625.07
8 December 2005	\$263,908.87
8 December 2006	\$252,291.37
8 December 2007	\$1,718.94

In a table the annual expenditure figures in £ sterling are given as:

2007	£60k
2006	£140k
2005	£145k
2004	£55k

I cannot tally the figure of \$1,718.94 given in Heaven Hill's electronic accounts with the figure of £60k given in the table. Using Oanda.com's historic data the average dollar sterling rate from 9 December 2006 to 8 December 2007 was 0.75799, giving a value to the 2007 figure of £1,302.94p.

10) In exhibit D is an advertising leaflet for HPNOTIQ. The product is described as a liqueur that is a blend of vodka, cognac and tropical fruit juices. The leaflet appears to be designed for the trade rather than the public. The leaflet is undated. A copy of a drinks and food menu for an establishment called The Worship is exhibited. HPNOTIQ is listed in the liqueur section of the menu and as an ingredient in a cocktail, Passion Cooler. There is no date on the menu. Also included in the exhibit is promotional material relating to an event at an establishment called Fuchsia in Bristol. HPNOTIQ appears on the promotional material. The event took place on 6 October 2007 and so after the material date. The exhibit also includes two e-mails that relate to the marketing of the product at at the Bar Show at Earl's Court in 2006 and the appointment of Charteredbrands as the marketer of HPNOTIQ in the United Kingdom, this latter e-mail is dated 4 April 2006. Mr Shapira states that a significant element of the marketing has been the organisation and promotion of events in nightclubs.

11) Included in exhibit E are copies of plans for marketing HPNOTIQ, including analyses of the effects of previous marketing. The planned promotion to consumers is based on product placement, on-line consumer prizes, public relations and viral advertising. Marketing for consumers up to June 2007 has been by public relations coverage, product sponsorship and through the website. Promotion to the trade has been by presence at the SLTN exhibition, "regional activation", staff incentives and the distribution of new point of sales material; regional wholesalers and cash and carry outlets have been targeted. In a report dated 4 August 2006 the following is stated:

"From the initial press release, we have had 2 more pieces of coverage bringing the total to 8. We have also had trade coverage in two other publications from the release of Cory's appointment. There is more scheduled coverage in 4 other publications over the coming month."

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Cory refers to Cory McGee who is the "brand ambassador". Mr McGee has hosted party nights in clubs. The report talks of rebuilding confidence in the brand. Trade activity is recorded as being at Dhamecha Cash and Carry, Bellevue, Matthew Clark, Coe Vintners and Venue Cash and Carry. Pictures are exhibited of Mr McGee and others posing by a stretch limousine outside the Pangaea club, the vehicle bears HPNOTIQ across the side; pictures also show the promotional activities within this club. Copies of what appear to be galley proofs for the website are also exhibited.

12) Objectives for HPNOTIQ for 2007 are given in the exhibit. These include broadening distribution to regional wholesales and cash and carry outlets to cover all of the United Kingdom and to sell 3,500 cases. From January to May 2007 (inclusive) 949 cases of HPNOTIQ had been sold. As of June 2007 there were 39 wholesalers/cash and carry stockists stocking the product.

13) One document, given Mintel as its source, states that the total liqueur market in the United Kingdom in 2006 was worth £655 million, with a volume of 33 million litres. Baileys, Tia Maria and Amarula are listed as the three largest liqueur brands in the United Kingdom. Sixty five per cent of sales of liqueurs are through the off-trade. In 2006 there was trade coverage in 13 trade publications; consumer coverage included 6 pieces of regional coverage and 4 national glossy magazine titles. The document states that not having a national off-trade listing has hindered consumer public relations, that a tour of clubs was the main news hook and so more regional than national coverage has been achieved and that the brand ambassador programme did not have the desired media impact.

14) The other material exhibit shows that promotion to consumers has largely been through events at clubs.

15) The rest of Mr Shapira's statement consists of submission rather than evidence of fact and so I will say no more about it here, although I bear it in mind in reaching my decision.

#### ***Evidence of Mr Diallo***

16) The vast bulk of Mr Diallo's statement consists of submission rather than evidence of fact and so I will say more about it here, although I bear it in mind in reaching my decision. Mr Diallo states that he sells an alcopop at £3 a bottle whilst Heaven Hill sells a liqueur at £20 a bottle; the former is sold in 33cl bottles and the latter in 75cl bottles. He states that he is the owner of a certificate of registration which he exhibits at exhibit A. This is a French model registration for packaging of a bottle and its top as reproduced below:



***Second round of evidence of Heaven Hill***

17) This consists of a witness statement by Mr David Potter who is a trade mark attorney representing Heaven Hill.

18) The vast bulk of Mr Potter's statement consists of submission rather than evidence of fact and so I will say no more about it here, although I bear it in mind in reaching my decision.

19) Mr Potter states that Mr Diallo applied in France for the registration of HYPNOTIZER as a trade mark on 18 February 2005 for beers, mineral waters, alcoholic beverages, wines and spirits. On 25 May 2005 Heaven Hill opposed the registration of the trade mark on the basis there was a likelihood of confusion with its French registration for the trade mark HPNOTIQ. Mr Diallo used the initial French registration to obtain an international registration under the provisions of the Madrid Protocol. On 25 November 2005 the Institut National de la Propriété Industrielle found that there was a likelihood of confusion in relation to any type of alcoholic beverage, including beer. Mr Diallo appealed to the Court of Appeal of Paris, which on 10 May 2006 rejected his appeal. A copy of the judgment, with a translation, is found at exhibit B. Subsequently, the World Intellectual Property Organisation cancelled Mr Diallo's international registration to the extent that it extended to alcoholic beverages.

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### ***Finding of facts***

20) In *Last Minute Network Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)* Joined Cases T-114/07 and T-115/07 the Court of First Instance (CFI) stated:

"50 First, there was goodwill or reputation attached to the services offered by LMN in the mind of the relevant public by association with their get-up. In an action for passing off, that reputation must be established at the date on which the defendant began to offer his goods or services (*Cadbury Schweppes v Pub Squash* (1981) R.P.C. 429).

51 However, according to Article 8(4) of Regulation No 40/94 the relevant date is not that date, but the date on which the application for a Community trade mark was filed, since it requires that an applicant seeking a declaration of invalidity has acquired rights over its non-registered national mark before the date of filing, in this case 11 March 2000."

So the material date in relation to section 5(4)(a) of the Act is the date of application. However, if there had been use of the trade marks by Mr Diallo prior to the dates of application this would have to be taken into account. It could establish that he was the senior user, that there had been common law acquiescence or that the existing position should not be disturbed and so use would not be liable to be prevented by the law of passing-off<sup>1</sup>. In this case there has been no use of the trade marks by Mr Diallo in the United Kingdom and so none of the aforesaid considerations come into play.

21) In relation to section 5(4)(a) of the Act Heaven Hill has to establish that at the date of application it enjoyed a goodwill in a business by reference to the sign HPNOTIQ. How goodwill is to be established has been dealt with in several judgments<sup>2</sup>. *Phones 4u Ltd v Phone4u.co.uk. Internet Ltd* establishes that one cannot just follow a formula or demand certain predetermined requirements to be met. As of 30 July 2007 Heaven Hill had been selling a liqueur by reference to the sign HPNOTIQ since August 2004. It has been sold to wholesales and cash and carry outlets and to clubs. The turnover is not particularly large in relation to the market (see below), however, the establishment of a goodwill does not require a large turnover and the law of passing-off protects a small goodwill

<sup>1</sup> See, for instance: *Groom's Trade Mark Application* [2005] RPC 2 and *Daimlerchrysler AG v Javid Alavi (T/A Merc)* [2001] RPC 42.

<sup>2</sup> *South Cone Inc v Jack Bessant, Dominic Greensmith, Kenwyn House and Gary Stringer (a partnership)* [2002] RPC 19, *Loaded BL O/191/02*, *Phones 4u Ltd v Phone4u.co.uk. Internet Ltd* [2007] RPC 5 and *Minimax GmbH & Co KG v Chubb Fire Limited* [2008] EWHC 1960 (Pat).

although not a trivial one<sup>3</sup>. Lord Macnaghten in *IRC v Muller & Co's Margarine Ltd* [1901] AC 217 gave the accepted definition of goodwill:

"What is goodwill? It is a thing very easy to describe, very difficult to define. It is the benefit and advantage of the good name, reputation and connection of a business. It is the attractive force which brings in custom. It is the one thing which distinguishes an old-established business from a new business at its first start. The goodwill of a business must emanate from a particular centre or source. However widely extended or diffused its influence may be, goodwill is worth nothing unless it has power of attraction sufficient to bring customers home to the source from which it emanates. Goodwill is composed of a variety of elements. It differs in its composition in different trades and in different businesses in the same trade. One element may preponderate here and another element there. To analyse goodwill and split it up into its component parts, to pare it down as the Commissioners desire to do until nothing is left but a dry residuum ingrained in the actual place where the business is carried on while everything else is in the air, seem to me to be as useful for practical purposes as it would be to resolve the human body into the various substances of which it is said to be composed. The goodwill of a business is one whole, and in a case like this it must be dealt with as such. For my part, I think that if there is one attribute common to all cases of goodwill it is the attribute of locality. For goodwill has no independent existence. It cannot subsist by itself. It must be attached to a business. Destroy the business, and the goodwill perishes with it, though elements remain which may perhaps be gathered up and be revived again."

Heaven Hill has established that at the date of application that its business had an attractive force by reference to the sign HPNOTIQ in relation to liqueurs. (The inconsistencies referred to in paragraph 10 re turnover and spending on promotion do not gainsay this.)

22) The evidence shows that in 2006 the market in the United Kingdom for liqueurs was £655 million. In 2006 HPNOTIQ had sales of £200k, at its highpoint, in 2005, it has sales of £822k (assuming that these are the correct figures). This is clearly a very small fraction of the liqueur market in the United Kingdom. The 2006 figure represents 0.305% of the market. The product is not sold in the major supermarket chains, the primary sellers of off-sales of alcohol. It is not sold in the major chains of public houses and clubs. It has not been advertised on television or on the radio or through the print media. Exhibits refer to references to the product in a very limited number of publications, without giving specific details. In no shape of form has Heaven Hill established that the trade mark is known to a significant proportion of the relevant class of persons; indeed the evidence suggests the very opposite. I have not the least hesitation in finding that the trade mark of Heaven Hill does not have a reputation that could

<sup>3</sup> See *Hart v Relentless Records* [2003] FSR 36.

assist it in relation to the grounds under section 5(2)(b) of the Act. The product has been sold, no more and no less.

***Likelihood of confusion – section 5(2)(b) of the Act***

***Average consumer and purchasing process***

23) The average consumer for the goods of both the earlier registrations and the application is the public at large over the age of 18. I do not consider that because the purchaser will normally be over 18 that this of itself affects the care that is taken in the purchase of the product. Liqueurs of their nature will normally have an alcohol content above that of beers and table wines, they are not at the cheap end of the alcohol market; if for no other reason than the tax regime. A reasonable degree of care is likely to be taken in the selection of the product owing to its cost. Heaven Hill argues that the effect of imperfect recollection is likely to be increased owing to the varying states of intoxication of the purchaser and that the purchasing process will be affected in licensed premises by noise and intoxication. There is no evidence that the average purchaser of liqueurs is in a state of intoxication that will affect his or her awareness and concentration. Some purchasers may be drunk, usually outside of an off-sale environment, but this is not the average consumer and does not reflect on the nature of the trade marks but the state of a particular consumer. Heaven Hill emphasised the oral use of the trade mark in relation to the purchasing process, in particular in noisy licensed premises. This line of argument that has been rejected by the CFI on at least two occasions. In *Simonds Farsons Cisk plc v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) Case T-3/04* the CFI stated:

“58. In that respect, as OHIM quite rightly observes, it must be noted that, even if bars and restaurants are not negligible distribution channels for the applicant's goods, the bottles are generally displayed on shelves behind the counter in such a way that consumers are also able to inspect them visually. That is why, even if it is possible that the goods in question may also be sold by ordering them orally, that method cannot be regarded as their usual marketing channel. In addition, even though consumers can order a beverage without having examined those shelves in advance they are, in any event, in a position to make a visual inspection of the bottle which is served to them.”

In *Bitburger Brauerei Th. Simon GmbH v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) Cases T-350/04 to T-352/04* the CFI stated:

“112 Furthermore, Bitburger Brauerei has not furnished the slightest proof to show that its goods are generally sold in such a way that the public does not perceive the mark visually. In that regard, it must be borne in

mind that, even if bars and restaurants are not negligible distribution channels for the products of Bitburger Brauerei, it is common ground that the consumer will be able to perceive the marks at issue visually in such places, inter alia by examining the bottle served to him or by other means (glasses, advertising posters etc.). Moreover, and above all, it is not disputed that bars and restaurants are not the only sales channels for the goods concerned. They are also sold in supermarkets or other retail outlets. Thus, clearly when purchases are made there consumers can perceive the marks visually since the drinks are presented on shelves (see, to that effect, Case T-3/04 *Simonds Farsons Cisk v OHIM* [2005] ECR II-0000, paragraphs 57 to 59). It follows that the argument of Bitburger Brauerei relating to the conditions under which the products in question are sold must, in any event, be rejected."

I can see nothing in the arguments that gainsays these findings by the CFI, there is certainly no evidence to the effect. The average consumer is likely to see the bottle of an alcoholic beverage, the beverage will be served from the bottle or the consumer will be given the bottle. In retail premises the average consumer will be confronted with the packaging. The specification of the application covers all beverages in class 33, so it includes liqueurs. It will include goods such as single malt whiskies which will be bought as the result of a careful and educated purchasing process but also cheap cider, cheap wine and alcopops, all of which are likely to be bought with far less consideration and could be the result of an impulse purchase. Consequently, the effects of imperfect recollection will be increased. Spirits cost more than other alcoholic beverages, again the tax regime has a part to play in this, and are likely to be the subject of the sort of purchasing considerations generally that I have outlined in relation to liqueurs; which will be included in the term spirits as well as alcoholic beverages. Consequently, in relation to spirits the effects of imperfect recollection will be diminished.

24) Mr Diallo states that he is interested in alcopops. He has not limited his specification to alcopops, he has had plenty of time to do so. The official letter of 19 June 2009 referred to the ability to put forward a non-binding limitation to the specification for consideration by the hearing officer. No such limitation has been proposed. If one was just considering alcopops, as indicated above, the effects of imperfect recollection would be increased.

#### **Comparison of goods**

25) Mr Diallo misunderstands the purport of specifications. He considers that as the specification of his application does not name liqueurs that they are not included. However, the portmanteau terms alcoholic beverages and spirits both include liqueurs. Goods can be considered as identical when the goods designated by the earlier trade mark are included in a more general category,

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designated by the trade mark application<sup>4</sup>. As liqueurs are included in the terms alcoholic beverages and spirits the respective goods must be considered to be identical.

<sup>4</sup> See *Gérard Meric v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) Case T-133/05* paragraph 29:

"In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by the trade mark application (Case T-388/00 *Institut für Lernsysteme v OHIM – Educational Services (ELS)* [2002] ECR II-4301, paragraph 53) or when the goods designated by the trade mark application are included in a more general category designated by the earlier mark (Case T-104/01 *Oberhauser v OHIM – Petit Liberto (Fifties)* [2002] ECR II-4359, paragraphs 32 and 33; Case T-110/01 *Vedial v OHIM – France Distribution (HUBERT)* [2002] ECR II-5275, paragraphs 43 and 44; and Case T-10/03 *Koubi v OHIM – Flabesa (CONFORFLEX)* [2004] ECR II-719, paragraphs 41 and 42)."

The above is a translation from the French. There is no variation in the judgment in French:

"29 En outre, des produits peuvent être considérés comme identiques lorsque les produits que désigne la marque antérieure sont inclus dans une catégorie plus générale visée par la demande de marque [arrêt du Tribunal du 23 octobre 2002, *Institut für Lernsysteme/OHMI – Educational Services (ELS)*, T 388/00, Rec. p. II 4301, point 53], ou lorsque les produits visés par la demande de marque sont inclus dans une catégorie plus générale visée par la marque antérieure [arrêts du Tribunal du 23 octobre 2002, *Oberhauser/OHMI – Petit Liberto (Fifties)*, T 104/01, Rec. p. II 4359, points 32 et 33 ; du 12 décembre 2002, *Vedial/OHMI – France Distribution (HUBERT)*, T 110/01, Rec. p. II 5275, points 43 et 44, et du 18 février 2004, *Koubi/OHMI – Flabesa (CONFORFLEX)*, T 10/03, Rec. p. II 719, points 41 et 42]."

This is also the position of Professor Annand, sitting as the appointed person in *Galileo International Technology LLC v Galileo Brand Architecture Limited* BL 0/269/04:

"13. I agree with Mr. Onslow that the issue raised by this appeal is whether, when considering the test of identity for section 5(1), it is sufficient that goods or services overlap or must they be co-extensive. Like Mr. Onslow, I am unaware of any authority supporting a co-extensive test. Kerly's Law of Trade Marks and Trade Names, 13th Edition, states at para. 8-10:

"... the goods or services must be the same as those the subject of the earlier trade mark. Although not explicit, it would seem that this provision can only sensibly be interpreted as prohibiting registration where there is an overlap of goods or services."

A footnote indicates that such interpretation is in accordance with Article 13 of Council Directive 89/104/EEC. Although not expressly included, it is well established that the TMA must be read subject to Article 13, which provides:

"Where grounds for refusal of registration or for revocation or invalidity of a trade mark exist in respect of only some of the goods or services for which that trade mark has been applied for or registered, refusal of registration or revocation or invalidity shall cover those goods or services only."

14. The equivalent to section 5(1) in Council Regulation (EC) No. 40/94 on the Community trade mark ("CTMR") is Article 8(1)(a). Mr. Onslow referred me to two decisions of the Opposition Division of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) ("OHIM") concerning Article 8(1)(a) of the CTMR where identity of goods and services was found to subsist through overlaps in specifications. In *WALLIS*, Decision No. 1978/2004, identity was

found *inter alia* between Class 14 specifications even though the contested CTM application covered additional goods in that class. The Opposition Division said:

"There is identity between the goods or services that are subject to comparison if they either have the same wording or can be considered synonyms. The identity is also found if the specification of the earlier mark includes a generic term that covers the specific goods of the contested application. Similarly if the goods specifically designated in the earlier mark are covered by a generic term used in the contested application, such goods are identical, to the degree that they are included in the broad category. Finally, in case that the goods in question overlap in part they are also to be considered as identical."

A similar decision was arrived at in PACE, Decision No. 1033/2003. Again, the Class 41 services in the CTM application were wider than those in the earlier CTM registration. In addition, there was held to be identity between some of the applicant's Class 42 services namely, "computer programming; providing of expert opinion". The opponent's registration was in respect of "consulting services related to improving and expediting product development, industrial research services, computer programming services" in Class 42. The Opposition Division observed:

"In particular, the applicant's expression providing of expert opinion in class 42, is broad enough to encompass any consulting services registered by the opponent in class 42, which makes them equivalent to the extent that the one includes the other."

15. The overlap test for identity of goods and services is also applied by the OHIM in connection with priority and seniority claiming under Articles 29, and 34 and 35 of the CTMR respectively. Indeed, it is recognised that partial priority claiming (i.e. where the subsequent application is for a narrower or wider specification than in the application(s) from which priority is claimed) is a possibility under section 33 of the TMA, which speaks of a right of priority "for some or all of the same goods or services" in a Convention application.

16. I believe that overlapping specifications satisfy the test for identical goods or services in section 5(1) of the TMA. There is no necessity for such specifications to co-extend."

I do not consider that the judgment of Norris J is in *Budejovický Budvar, národní Podnik v Anheuser-Busch Inc* [2008] EWHC 263 (Ch) is in conflict with the above. In that case he stated:

"41. There is however one respect in which this appeal succeeds. AB's application for a declaration of invalidity extended to the whole of BB's registration in respect of "beer ale and porter; malt beverages;" (although its own registration related only to "beer ale and porter"). In his decision the Hearing Officer regarded it as obvious that in respect of "beer, ale and porter" the respective specifications encompassed the same goods (and the contrary has not been argued before me). He said:-

"The only possible area of contention is the description "malt beverages" in the mark in suit. The term covers all beverages made with malt, including "malt beers" and the like. Accordingly the specification of the registration that is the subject of these proceedings is covered in its entirety by the specifications of [AB's] earlier mark"

This is a determination of a mixed question of fact and law which I must approach with caution. But in my judgement this passage discloses an error of principle. AB's earlier mark covered only "beer, ale and porter". BB's included "malt beverages". The specification of AB's earlier mark simply did not cover entirely the specification of the mark in suit. It is necessary to decide whether "malt beverages" can only be "beer ale and porter", or whether "malt beverages" can include goods which are not identical with or similar to "beer ale and porter".

26) This leaves wines of the application to be considered. In assessing the similarity of goods it is necessary to take into account, inter alia, their nature, their intended purpose<sup>5</sup>, their method of use and whether they are in competition with each other or are complementary<sup>6</sup>. In *British Sugar Plc v James Robertson & Sons Limited* [1996] RPC 281, Jacob J gave guidance as to how similarity should be assessed<sup>7</sup>. The judgment of the CFI in *Bodegas Montebello, SA c Oficina de Armonización del Mercado Interior (marcas, dibujos y modelos) (OAMI)*, Case T – Case T-430/07 is a warning against making an assumption that all goods in class 33 are similar. However, the findings in relation to similarity are findings of fact and not a finding in law and so while they may be

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42. I do not consider that "malt beverages" can only be (and are therefore identical with) "beer ale and porter". The form of the specification would indicate that "beer, ale and porter;" is one category and "malt beverages" another, with possibly an overlap between the two. One is not simply an alternative description for the other."

In the above judgment Norris J was considering whether the respective goods could be described as being identical, not whether they should be considered to be identical. There is a deal of difference between stating that goods are identical and stating that they are considered to be identical.

If one did not follow the principles laid down by the CFI and Professor Annand considering similarity of goods in certain cases would become virtually impossible. If, for example, an earlier registration was for wedding dresses and an application for clothing one would have to consider the degree of similarity between the former goods and every potential product covered by the term clothing as there would be varying degrees of similarity and the global appreciation of the likelihood of confusion requires consideration of the degree of similarity between goods and/or services.

An applicant has plenty of time to amend a specification which includes a portmanteau term so that the term list goods which are of specific interest. If the applicant does not do so then it must expect to bear the consequences.

<sup>5</sup> The earlier incorrect translation of 'Verwendungszweck' in the English version of the judgment has now been corrected.

<sup>6</sup> *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc* [1999] RPC 117.

<sup>7</sup> He considered that the following should be taken into account when assessing the similarity of goods and/or services:

- \*(a) The respective uses of the respective goods or services;
- (b) The respective users of the respective goods or services;
- (c) The physical nature of the goods or acts of service;
- (d) The respective trade channels through which the goods or services reach the market;
- (e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be found in supermarkets and in particular whether they are, or are likely to be, found on the same or different shelves;
- (f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance whether market research companies, who of course act for industry, put the goods or services in the same or different sectors."

instructive they are not binding and do not establish a general principle. Wines and liqueurs are both alcoholic beverages and so coincide in this aspect of their nature at a general level. Some wines will have a lower alcohol content than liqueurs, however, fortified wines, such as port, can have an alcohol content of 20%, liqueurs can have a similar, lower or higher alcohol content. (In this particular case HPNOTIQ has an alcohol content of 17%. I, however, bear in mind that I am considering liqueurs in general and not the specific liqueur in relation to which the HPNOTIQ trade mark is used.) Both fortified wines and liqueurs are often taken after a meal and so could have roughly the same purpose, however, I cannot readily see that one would purchase a liqueur as an alternative to a fortified wine, or a wine generally. I do not consider that they are fungible and do not consider them to be in competition. Wines and liqueurs do not have a symbiotic or mutually dependent relationship, they are not essential to one another. In *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)* Case T- 325/06 the CFI stated:

"82 It is true that goods are complementary if there is a close connection between them, in the sense that one is indispensable or important for the use of the other in such a way that customers may think that the responsibility for those goods lies with the same undertaking (see, to that effect, Case T-169/03 *Sergio Rossi v OHIM – Sissi Rossi (SISSI ROSSI)* [2005] ECR II-685, paragraph 60, upheld on appeal in Case C-214/05 *P Rossi v OHIM* [2006] ECR I-7057; Case T-364/05 *Saint-Gobain Pam v OHIM – Propamsa (PAM PLUVIAL)* [2007] ECR II-757, paragraph 94; and Case T-443/05 *El Corte Inglés v OHIM – Bolaños Sabri (PiraÑAM diseño original Juan Bolaños)* [2007] ECR I-0000, paragraph 48)."

I do not consider that wines and liqueurs are complementary. In supermarkets and bars and pubs wines, whether fortified or not, are not normally found in the same area as liqueurs. In supermarkets wines and liqueurs will normally have their own discrete areas. Wines and liqueurs are likely to have the same distributors, wholesalers of alcoholic beverages and so the same channels of trade. **Taking into account all the above factors I consider that wines and liqueurs are similar to a relatively low degree.**

27) As Mr Diallo has specifically made reference to his interest in alcopops, although the specification is not limited to them and so this reference cannot effect the outcome of the case, I will consider them specifically here. *The Concise Oxford English Dictionary* describes an alcopop as a ready-mixed soft drink containing alcohol. The alcohol will normally be spirit based, usually white spirit based. Consequently, like a liqueur it will have a spirit base; also, like a liqueur, it can contain fruit or fruit juices. The liqueur will, however, have a higher alcoholic content normally than the alcopop. There is a good degree of similarity in their natures. Alcopops and liqueurs will have their own discrete areas in supermarkets. In licensed premises the alcopops will normally be kept in a cold cabinet under bar level and liqueurs on the bar or placed in optics. In the case of

both drinks the user will normally be seeking a sweet alcoholic beverage. The difference in the alcoholic content makes it very doubtful that they are fungible, the respective goods are certainly not essential to one another. Consequently, they are neither in competition with one another nor complementary. Wines and alcopops are likely to have the same distributors, wholesalers of alcoholic beverages and so the same channels of trade. Taking all these factors into account, if Mr Diallo had limited his specification to alcopops, or if he had specifically identified such goods in his specification, I would have found that there was a reasonable degree of similarity between the respective goods, if not the highest level.

### ***Comparison of trade marks***

28) The average consumer normally perceives a mark as a whole and does not proceed to analyse its various details<sup>8</sup>. The visual, aural and conceptual similarities of the marks must, therefore, be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components<sup>9</sup>. Consequently, I must not indulge in an artificial dissection of the trade marks, although I need to take into account any distinctive and dominant components. The average consumer rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he/she has kept in his/her mind and he/she is deemed to be reasonably well informed and reasonably circumspect and observant<sup>10</sup>. The assessment of the similarity of the trade marks must be made by reference to the perception of the relevant public<sup>11</sup>.

29) If Heaven Hill does not succeed in relation to the word only registration it will not succeed in relation to the word and device registration, there being additional differences. I will, therefore, only consider the word only trade mark. The trade marks to be compared are **HPNOTIQ** and **HYPNOTIZER**. I do not consider that either trade mark can be divided into distinctive and dominant components, they stand or fall in their entirety.

30) Despite the form of **HPNOTIQ** I have no doubt that the average consumer will perceive that mark as being a form of the word hypnotic. This perception will dictate the pronunciation of the trade mark, which in my view will be pronounced as hypnotic. Consequently, the first two syllables of each trade mark will be pronounced in the same way. The final syllable of the earlier trade mark will be pronounced as ick, the application ends with two syllables: eye and zer. It is

<sup>8</sup> *Sabel BV v Puma AG* [1998] RPC 199.

<sup>9</sup> *Sabel BV v Puma AG* [1998] RPC 199.

<sup>10</sup> *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV* [2000] FSR 77.

<sup>11</sup> *Succession Picasso v OHIM - DaimlerChrysler (PICARO)* Case T-185/02.

often stated that the beginnings of words are more important in consideration of similarity than the endings<sup>12</sup>. I consider that in this case this rule of thumb applies, the endings of the two trade marks do not draw the average consumer away from the beginnings. Taking these factors into account I consider that the respective trade marks are phonetically similar. A hypnotizer is someone who hypnotises ie someone who creates a hypnotic effect in an individual. The respective trade marks, therefore, share a conceptual basis and so while not conceptually identical they are certainly conceptually similar. Visually the earlier trade mark is quite striking owing to the absence of the letter y and the substitution of a q for the c. However, with the exception of the letter q all of its letters appear in the later trade mark and, but for the missing y, appear in the same order in relation to each other. I consider that the respective trade marks are visually similar. **Taking into account all of the above factors I find that the respective trade marks are similar, a similarity that is at the higher end of the scale.**

#### ***Conclusion in relation to likelihood of confusion***

31) In considering whether there is a likelihood of confusion various factors have to be taken into account. There is the interdependency principle – a lesser degree of similarity between trade marks may be offset by a greater degree of similarity between goods, and vice versa<sup>13</sup>. In this case alcoholic beverages and spirits are deemed to be identical to the goods of the earlier registration. I have found that the similarity between wines and liqueurs is at a relatively low degree. The respective trade marks enjoy a good deal of similarity, the degree of similarity is at the higher end of the scale. I must take into account the nature of the average relevant consumer and of the purchasing process. It is necessary to consider the distinctive character of the earlier trade mark; the more distinctive the earlier trade mark (either by nature or nurture) the greater the likelihood of confusion<sup>14</sup>. The distinctive character of a trade mark can be appraised only, first, by reference to the goods or services in respect of which registration is sought and, secondly, by reference to the way it is perceived by the relevant public<sup>15</sup>. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, it is necessary to make an overall assessment of the greater or lesser capacity of the mark to identify the goods for which it has been registered as coming from a particular undertaking, and thus to

<sup>12</sup> See for instance: *Les Editions Albert René v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) Case T-336/03*.

<sup>13</sup> *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc* [1999] RPC 117.

<sup>14</sup> *Sabel BV v Puma AG* [1998] RPC 199.

<sup>15</sup> *Rewe Zentral AG v OHIM (LITE)* [2002] ETMR 91.

distinguish those goods or services from those of other undertakings<sup>16</sup>. Hypnotic, if it was the trade mark, does not allude or describe the goods of the earlier registration. However, the trade mark is not the simple word but HPNOTIQ, the unusual nature of the trade mark adds to its distinctiveness. I consider that HPNOTIQ enjoys a high degree of distinctiveness in relation to liqueurs. **Weighing all these factors up I find that there is a likelihood of confusion in relation to all of the goods of the application, including wines where there is a relatively limited degree of similarity. If Mr Diallo had limited the specification to alcopops or specifically identified these goods in the specification, I would have found that there is a likelihood of confusion in relation to such goods.**

32) Mr Diallo exhibited a document relating to a registration of a model in France. I have to consider whether Heaven Hill has an earlier trade mark(s), which it has and if there is a likelihood of confusion in relation to that earlier trade mark in the United Kingdom. The registration of a model (or of a design) has no bearing upon this consideration. Equally the decision of the Court of Appeal of Paris has not had any influence on my decision; I have to consider the matter on the basis of the evidence before me within the specific context of the United Kingdom. Mr Diallo noted that Heaven Hill's registration had not been raised as a citation at examination stage. This can have no effect upon my decision, I have to consider the case brought by Heaven Hill on its merits; whether an examiner should or should not have raised a citation is extraneous to this consideration. Mr Diallo also commented on the different design and cost of the respective products. The CFI has stated on a number of occasions that current marketing strategies cannot be taken into account when considering likelihood of confusion<sup>17</sup>. In *Oakley, Inc v Office for Harmonization in the Internal Market (Trade Marks and Designs)* (OHIM) Case T-116/06 the CFI stated:

"76 Consideration of the objective circumstances in which the goods and services covered by the marks in dispute are marketed is fully justified. The examination of the likelihood of confusion which the OHIM authorities are called on to carry out is prospective. Since the particular circumstances in which the goods covered by the marks are marketed may vary in time, and depending on the wishes of the proprietors of the trade marks, the prospective analysis of the likelihood of confusion between two marks, which pursues an aim in the general interest, that is,

<sup>16</sup> *Windsurfing Chiemsee v Huber and Attenberger* Joined Cases C-108/97 and C-109/97 [1999] ETMR 585.

<sup>17</sup> See for instance: *Sadas SA v Office for Harmonization in the Internal Market (Trade Marks and Designs)* (OHIM) Case T-346/04, *Oakley, Inc v Office for Harmonization in the Internal Market (Trade Marks and Designs)* (OHIM) Case T-116/06, *Daimlerchrysler AG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [2003] ETMR 61, *Devinlec Développement Innovation Leclerc SA v Office for Harmonization in the Internal Market (Trade Marks and Designs)* (OHIM) Case T- 147/03 and *NHL Enterprises BV v Office for Harmonization in the Internal Market (Trade Marks and Designs)* (OHIM) Case T-414/05.

that the relevant public may not be exposed to the risk of being misled as to the commercial origin of the goods in question, cannot be dependent on the commercial intentions, whether carried out or not – and which are naturally subjective – of the trade mark proprietors (*QUANTUM*, paragraph 75 above, paragraph 104, and *T.I.M.E. ART/Devinlec v OHIM*, paragraph 75 above, paragraph 59)."

So the different designs and costs of the products, as they are currently marketed, cannot affect the outcome.

**33) Heaven Hill succeeds in its ground of opposition under section 5(2)(b) of the Act and the application is refused in its entirety.**

***Passing-off – section 5(4)(a) of the Act***

34) Heaven Hill's position is certainly be no better in relation to passing-off than in relation to the likelihood of confusion. I will, therefore, make no finding in relation to this ground of opposition.


**COSTS**

35) Heaven Hill having been successful is entitled towards a contribution towards its costs. I award costs upon the following basis:

Opposition fee	£200
Preparing a statement of grounds and considering the counterstatement of the applicant	£600
Preparing evidence and considering the evidence of the applicant	£500
Preparing for and attending a hearing	£250
<b>Total</b>	<b>£1,550</b>

I order Mr Yassinn Patrice Diallo to pay Heaven Hill Distilleries, Inc the sum of £1,550. This sum is to be paid within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 4<sup>th</sup> day of September 2009

P.P. 

**David Landau**  
**For the Registrar**  
**the Comptroller-General**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

HEAVEN HILL DISTILLERIES, INC.,	)		
	)		
Opposer,	)	Opposition No.	91183753
	)		
v.	)		
	)	Serial No.	77/266,196
DIALLO YASSINN PATRICE,	)	Mark:	HYPNOTIZER
	)	Intl Class:	033
Respondent.	)		

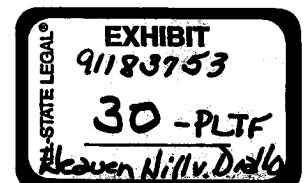
**NOTICE OF TRIAL DEPOSITION**

PLEASE TAKE NOTICE that on **Friday, January 22, 2010**, at the offices of WYATT, TARRANT & COMBS LLP, PNC Building, Suite 2800, 500 W. Jefferson Street, Louisville, KY 40202, the Plaintiff, Heaven Hill Distilleries, Inc., pursuant to Fed. R. Civ. P. 30 and 37 C.F.R. § 2.123, will take the following trial depositions:

**9:00 a.m. (EDT):** Drew Wesley

**12:00 p.m. (EDT):** Justin Ames

The depositions shall be recorded by stenographic means. The depositions are being taken for purposes of trial testimony and any and all other necessary purposes as authorized by the Federal Rules of Civil Procedure and 37 C.F.R. Part 2 and will continue from day to day until completed. You are hereby invited to attend and cross-examine the witness either in person or by telephone. Should you choose to participate by telephone, please call Matthew A. Williams at (502) 562-7378 shortly before the 9:00 a.m. deposition.



Respectfully submitted,



---

David A. Calhoun  
Matthew A. Williams  
WYATT, TARRANT & COMBS, LLP  
500 West Jefferson Street  
Suite 2800  
Louisville, KY 40202-2898  
502.589.5235


*Counsel for Heaven Hill Distilleries, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served upon

Diallo Yassinn Patrice  
2 Square Tribord  
Courcouronnes 91080  
France

via overnight courier (Federal Express Tracking No. 7982 4336 8744), and by email, this 21<sup>st</sup>  
day of **December, 2009**.



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*One of Counsel for Heaven Hill Distilleries, Inc.*

**Laney, Deb**

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**From:** TrackingUpdates@fedex.com  
**Sent:** Thursday, December 24, 2009 8:23 AM  
**To:** Laney, Deb  
**Subject:** FedEx Shipment 798243368744 Delivered

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This tracking update has been requested by:

Company Name: Wyatt  
Name: Matthew A. Williams  
E-mail: dlaney@wyattfirm.com

---

Our records indicate that the following shipment has been delivered:

Reference: 019354.102514  
Ship (P/U) date: Dec 21, 2009  
Delivery date: Dec 24, 2009 10:00 AM  
Sign for by: D.IALLO  
Delivered to: Receptionist/Front Desk  
Service type: FedEx International Priority  
Packaging type: FedEx Envelope  
Number of pieces: 1  
Weight: 1.00 lb.  
Special handling/Services: Deliver Weekday

Tracking number: 798243368744

Shipper Information  
MATTHEW A. WILLIAMS  
WYATT  
500 WEST JEFFERSON STREET  
SUITE 2600  
LOUISVILLE  
KY  
US  
40202

Recipient Information  
YASSINN PATRICE DIALLO  
2 SQUARE TRIBORD  
COURCOURONNES  
FR  
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Thank you for your business.

12/24/2009

**Laney, Deb**

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**From:** Williams, Matthew  
**Sent:** Monday, December 21, 2009 2:56 PM  
**To:** yassinn.diallo  
**Subject:** US Opposition No. 91183753  
**Attachments:** #20321920\_v2\_-\_HYPNOTIZER\_\_Notice\_of\_Testimonial\_Deposition\_-\_Ames.pdf;  
#20321917\_v2\_-\_HYPNOTIZER\_\_Pre-Trial\_Disclosure.pdf

Dear Mr. Diallo,

Please see the attached documents.

Sincerely,

Matthew A. Williams  
WYATT, TARRANT & COMBS, LLP  
500 W. Jefferson Street, Suite 2800  
Louisville, Kentucky 40202  
502.562.7378 (direct telephone)  
502.589.0309 (facsimile)  
502.314.3650 (mobile)  
[mwilliams@wyattfirm.com](mailto:mwilliams@wyattfirm.com) (e-mail)

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12/22/2009

Laney, Deb

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**From:** postmaster account  
**Sent:** Monday, December 21, 2009 2:57 PM  
**To:** Williams, Matthew  
**Subject:** Delivery Notification - Message successfully relayed.

**Attachments:** ATT65722.txt; ATT65723.txt



ATT65722.txt (464 B) ATT65723.txt (1 KB)

The following recipients have been successfully relayed.  
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January 14, 2010

**via FEDERAL EXPRESS**

Yassinn Patrice Diallo  
2 Square Tribord  
COURCOURONNES 91080  
FRANCE

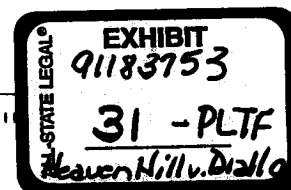
**Re: US Opposition No. 91183753**

Dear Mr. Diallo:

As we previously noticed, Heaven Hill will take the trial testimony of its two witnesses on Friday, January 22, 2010. We will be holding these depositions beginning at 9:00 a.m. local time at my office in Louisville, Kentucky.

You are invited to attend in person or via telephone. Due to the travel costs, I assume you will participate by telephone and, therefore, I am sending you a copy of the exhibits my witnesses may introduce during their testimony. Should any additional exhibits prove to be necessary, I shall email them to you. If you decide to participate in person, please bring the exhibits with you as I will not have a spare copy.

Please be advised that the exhibit numbering is arbitrary; the exhibits may be introduced in any order. But at least the numbers will help us in keeping track of what the witnesses are talking about.





WYATT, TARRANT & COMBS, LLP

Diallo Yassinn Patrice

January 14, 2010

Page 2

To participate by phone, please call me at 502.562.7378 shortly before the deposition begins. Also, please give me a number where you can be reached in case I need to call you.

Very truly yours,

WYATT, TARRANT & COMBS, LLP

A handwritten signature in black ink, appearing to read "Matthew A. Williams". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Matthew A. Williams

MAW/dkl

Enclosures

cc: David A. Calhoun, Esq.  
(w/out encls.)

20323335.1

**Laney, Deb**

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**From:** TrackingUpdates@fedex.com  
**Sent:** Saturday, January 16, 2010 4:22 AM  
**To:** Laney, Deb  
**Subject:** FedEx Shipment 798302371592 Delivered

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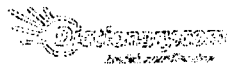
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**hyp-not-ic** (hip-not-ik) [Show IPA](#)

## -adjective

1. of or pertaining to hypnosis or hypnotism.
2. inducing or like something that induces hypnosis.
3. susceptible to hypnotism, as a person.
4. inducing sleep.

## -noun

5. an agent or drug that produces sleep; sedative.
6. a person who is susceptible to hypnosis.
7. a person under the influence of hypnotism.

## Origin:

1680-90; < LL *hypnōticus* < Gk *hypnōtikós* sleep-inducing, narcotic, equiv. to *hypnō-* (var. s. of *hypnoōn* to put to sleep; see *HYPNOS*) + *-tikos* -TIC

## Related forms:

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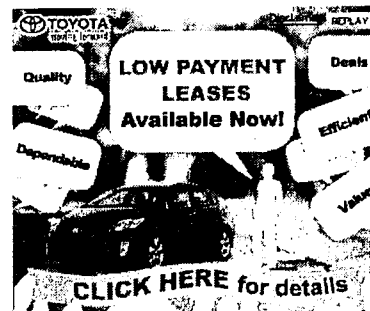
**hyp-not-ic** (hip-nōt'ik) [?](#)  
 adj.

1.
  - a. Of or relating to hypnosis.
  - b. Of or relating to hypnotism.
2. Inducing or tending to induce sleep; soporific: *read the bedtime story in a hypnotic voice.*

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1.
  - a. A person who is hypnotized.
  - b. A person who can be hypnotized.

2. An agent that causes sleep; a soporific.

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[French hypnotique, from Late Latin hypnōticus, *inducing sleep*,  
 from Greek hypnōtikos, from hypnōn, *to put to sleep*, from hupnos,  
*sleep*; see sweep- in Indo-European roots.]

**hyp-not'i-cal-ly** *adv.*

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## Word Origin & History

### hypnotic

1625, "inducing sleep," originally used of drugs, from Fr. hypnotique  
 "inclined to sleep, soporific," from L.L. hypnoticus, from Gk.  
 hypnotikos "inclined to sleep, putting to sleep, sleepy," from  
 hypnōn "put to sleep," from hypnos "sleep" (see *somnolence*).  
 Modern sense of "induced trance" first recorded in Eng. 1843, along  
 with hypnotist, hypnotize, all coined by Dr. James Braid.

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Main Entry: **<sup>1</sup>hyp-not-ic**

Pronunciation: hip-'nāt-ik

Function: *adjective*

**1** : tending to produce sleep : SOPORIFIC

**2** : of or relating to hypnosis or hypnotism —**hyp-not-i-cal-ly** /-i-k (&-)IE/ *adverb*

Main Entry: **<sup>2</sup>hypnotic**

Function: *noun*

**1** : a sleep-inducing agent : SOPORIFIC

**2** : one that is or can be hypnotized

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**hypnotic** hyp-not-ic (hip-nōt'ik)

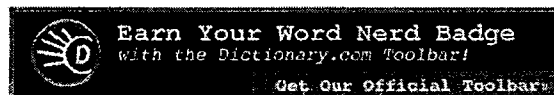
*adj.*

1. Of or relating to hypnotism or hypnosis.
2. Inducing or tending to induce sleep; soporific.

*n.*

An agent that causes sleep.

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## Encyclopedia hypnotic

chemical substance used to reduce tension and anxiety and induce calm (sedative effect) or to induce sleep (hypnotic effect). Most such drugs exert a quieting or calming effect at low doses and a sleep-

inducing effect in larger doses. Sedative-hypnotic drugs tend to depress the central nervous system. Since these actions can be obtained with other drugs, such as opiates, the distinctive characteristic of sedative-hypnotics is their selective ability to achieve their effects without affecting mood or reducing sensitivity to pain.

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Encyclopedia Britannica, 2008. Encyclopedia Britannica Online.  
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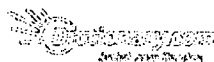
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**hyp-no-tize** <[> [hip-nuh-tahyz] [?] Show IPA **verb**, -tized, -tizing.

See images of **hypnotize****-verb (used with object)**

1. to put in the hypnotic state.
2. to influence, control, or direct completely, as by personal charm, words, or domination: *The speaker hypnotized the audience with his powerful personality.*
3. to frighten or startle so that movement is impossible: *The headlights hypnotized the deer and it just stood staring at the oncoming car.*

**-verb (used without object)**

4. to practice hypnosis; put or be able to put others into a hypnotic state.

Also, especially British, **hypnotise**.

Origin:

1843; see **HYPNOTISM**, -IZE

Related forms:

**hypnotizability**, adjective**hypnotizability**, noun

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**hyp-no-tize** <[> (hip'na-tiz') [?]tr.v. **hyp-no-tized**, **hyp-no-tiz-ing**, **hyp-no-tiz-es**

1. To put into a state of hypnosis.
2. To fascinate by or as if by hypnosis.

**hyp'no-tiz'a-bil'i-ty** *n.*, **hyp'no-tiz'a-ble** *adj.*, **hyp'no-ti-za'tion** (-ti-zā'shun) *n.*, **hyp'no-tiz'er** *n.*

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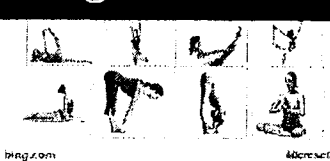
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Above: Jim at Hy Vee Cass with Christian Brothers Hpnotiq and Pama Pomegranate Liqueur



Russ at Bag n Save, 108th & Q, with a great big [yellow tail] display



Gene at Hy-Vee, 90th & Center, showing off the Sterling Vintners Collection



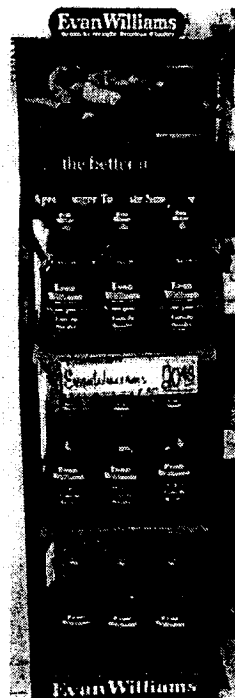
Left: Larry and Susan Gregurich of Big Dog's Liquor in Elkhorn with Patrón Tequila gift sets

Below: Burnett's Vodka and Burnett's Vodka flavors display at No Frills North 30th

Ketel One Vodka and Ketel One Citroen on display at Bag n Save, North 90th



Evan Williams showcased at No Frills, Fort Crook



Below: Tom Burgoyne of Tom's Liquor in Fremont with his Evan Williams display



## LIQUEURS ARE REDEFINING CONTEMPORARY MIXOLOGY

Liqueurs have been instrumental in the ongoing resurgence of the cocktail. The reason is that they're formulated to deliver a concentrated burst of flavor, and as any casual lounge observer will confirm, flavor is what consumers are looking for. With few exceptions, liqueurs provide the essential flavor components in most successful cocktails and specialty drinks, making them franchise players in modern mixology. Without a full complement of liqueurs on the back bar your drink making abilities shift into to low gear.

The Cosmopolitan is among a sizeable list of cocktails dependent on a liqueur for their identity. In this case, Cointreau provides the seamless connection between the base spirit — citrus-infused vodka — and the lime and cranberry juice modifiers. In addition to the cachet associated with Cointreau, the orange liqueur contributes greatly to the Cosmo's bouquet and taste, while leaving the color of the cocktail unaffected.

In mixology there's never a reason to leave well enough alone. For example, the Red Zen is the signature Cosmopolitan at The Original McCormick & Schmick's in Portland, Oregon. Created by bar guru Geoff V. Helzer, the sensationally delicious cocktail is prepared with muddled limes and sugar, Suntory Zen Green Tea Liqueur, Stolichnaya Vodka and cranberry juice.

Newcomer Pama Pomegranate Liqueur has already landed a leading role in the hit cocktail Lady Rose Cosmo. The recipe pairs the flavorful, fiery red liqueur with Absolut Citron, cranberry juice and a sour mix made with fresh lime juice and simple syrup. No mere splash of pomegranate juice could possibly achieve what Pama is able to accomplish in a cocktail.

The hip Euro Cosmo is a silky blend of Chambord, raspberry vodka, fresh lime and white cranberry juice. Another recent émigré is the Moscow Cosmopolitan, a classically structured Cosmo concocted with Jewel of Russian Wild Bilberry Infusion in place of the cranberry juice. The infusion is made from super premium vodka steeped with fresh picked berries. The combination is marvelous.

Two other popular derivations of the cocktail are the Purple Cosmo, which is made with citrus vodka, blue Curaçao and Chambord, and the Midnight Blue Cosmopolitan, featuring Hpnotiq, Blue

Curaçao and white cranberry juice. The possibilities are nearly endless. And that's the point.

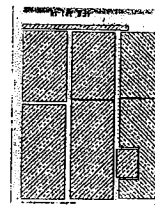
When Lauren Dunsworth of Lola's in Hollywood first mixed DeKuyper Sour Apple Pucker and Ketel One Vodka to create the Original Appletini, a new wave of cocktails was born. The Martini is a natural for doctoring with a splash or two of a liqueur. It adds a most welcome blast of flavor, texture and heft to the body, color, and a touch of sweetness.

At upscale Rosemary's Restaurant in Las Vegas, the signature drink of the house is the Kaffir Key Lime Martini. It's a blend of Stoli Vanil, Cuarenta y Tres, Hangar One Kaffir Lime Vodka, KeKe Beach Key Lime, freshly squeezed lime juice and cream. Presented with a rim of crushed graham crackers, the cocktail has become a local favorite. In Asheville, NC, the Martini of distinction at the Savoy Cucina Restaurant is the Espressotini, a light, delectable drink made with Stoli Vanil, Baileys Irish Cream, Frangelico and freshly brewed espresso, garnished with a chocolate covered biscotti.

Rickshaw Far East Bistro & Bambu Lounge in Houston is a stylish and contemporary Pan-Asian restaurant and sushi bar. The lounge attracts a well-heeled clientele that has earned a reputation for the quality and creativity of its cocktails. The bar's celebrated signature Martini is the Ruby Red Pom Pom, which is concocted with Pama Pomegranate Liqueur, Charbay Ruby Red Grapefruit Vodka, grapefruit juice and scratch sweet and sour.

Liqueur-laced Martinis have become a something of a phenomenon and a creative rite of passage for aspiring mixologists. American-born Southern Comfort is the featured player in the Socotini, a specialty at posh Stone Rose Lounge in Manhattan's Time Warner Center on Columbus Circle, while Suntory Zen Green Tea Liqueur and Absolut Citron combine to create the Green Tea Martini, a specialty at Michael's Kitchen in Hollywood, Florida. Disaronno Amaretto, Frangelico and vodka are the cast in the Amber Skies Martini. Kahlúa is popularly enlisted for use in Coffee Martinis, Chambord in Raspberry Martinis and Godiva in Chocolate Martinis.

Another classic cocktail getting the



makeover treatment these days is the Manhattan. At Indigo Eurasian Restaurant in Honolulu, the bartender's unanimous recommendation is the Nattahnam, a specialty Manhattan featuring Tuaca liqueur, sweet vermouth and Jack Daniels Tennessee whiskey. The staff at Stone Rose Lounge is equally passionate about the Midnight Manhattan that's devised with Grand Marnier, Woodford Reserve Bourbon, white cranberry juice and a splash of sour mix.

Perched atop the New York's Library Hotel is one of the city's genuinely special destination venues — Bookmarks Rooftop Lounge and Terrace. The impeccably appointed lounge lives and breathes in rarified fresh air, a condition that

seems to set the tone for the entire experience. It's there that master mixologist Jonathan Pogash (left) plies his craft. Among his creative repertoire is the Tennessee Williams, an elegant variation of the Manhattan made with Southern Comfort,

dry vermouth, orange bitters and a splash of pineapple juice.

The Savoy Cucina promotes a reprise of the Bee's Knees, only this version of the cocktail is concocted Italian limoncello liqueur, Jim Beam's Knob Creek Bourbon and a few drops of honey. It eloquently illustrates the fact that bourbon loves the flavor of lemon.

Among time-tested variations of the cocktail still in the mainstream is the New Orleans Manhattan, which is prepared by first coating the inside of the mixing glass with Frangelico. Any excess is discarded before adding the sweet vermouth and premium bourbon. The recipe for the venerable Waldorf Manhattan calls for a splash of Pernod, bitters, sweet vermouth and bourbon. The Loretto Manhattan pairs Maker's Mark Bourbon with a healthy splash of Disaronno Amaretto.

There are ample reasons to plan a tour of the wine country of Sonoma and near the top of the list is Cyrus, a magnificent, world-renowned restaurant situated amidst the vineyards and rolling countryside. Behind the bar mixologist extraordinaire Scott Beattie (right) calls the shots.

His specialty cocktails have garnered acclaim for their innovative use of flavor. A Beattie original is the altogether sensational Charentes Sidecar, which is prepared with Hardy VS Cognac, Luxardo Maraschino Liqueur, Cointreau and fresh Meyer lemon juice. The ingredients are shaken, strained into a chilled cocktail glass and topped with a thin layer of cherry foam and thin segments of citrus.

The crowning touch on the cocktail is the cherry foam. It is made with real cherry juice, gelatin and Luxardo Maraschino, which are heated together in a saucepan. The contents are chilled down and Thai coconut milk is whisked into the compound. It is then transferred to a whipped cream canister, charged with CO<sub>2</sub> and refrigerated. It should be ready for the public in about 30 minutes.

The Mojito has captured the collective American imagination and sparked a boom in restaurants and lounges around the country. The Cuban-born cocktail is undergoing a transformation at the hands of the country's mixologists, who continue probing for the drink's creative limitations, boundaries that don't seem to exist.

For example, the signature muddled-marvel at P.F. Changs Chinese Bistro is the Asian Pear Mojito. It's a delicious blend of Sour Apple Pucker, Bacardi Limón Rum and a splash of pineapple juice all built on top of muddled limes, mint sprigs and simple syrup. The Watermelon Mojito is one of the star attractions at The Carnegie Club in Manhattan's CitySpire Center. Made with Ketel One Vodka and Marie Brizard Watermelon Liqueur, the drink is as attractive as it is refreshing. Nearby at the ultra-swank Campbell Apartment in Grand Central Terminal, the specialty is the Robber Baron Mojito, a lively concoction crafted with Midori, Grey Goose Vodka, muddled limes and spearmint.

Rickshaw's Pomegranate Mojito is a superb example of inspired mixology. The recipe begins with muddling fresh mango, mint leaves, fresh lime juice and simple syrup. Add in equal parts of Pama Pomegranate Liqueur and 10 Cane Rum from Trinidad, and then finish the cocktail with a splash of club soda and a pomegranate wedge garnish. Another unconventional Mojito masterpiece hails

from Backstreet Café, a classy American bistro in Houston. The Prickly Pear Mexican Mojito is an altogether luscious drink made with Cointreau, El Tesoro Silver 100% Agave Tequila, lime juice and fresh prickly pear juice.

Located 25 minutes west of downtown Chicago, Courtright's is a four-star restaurant situated on two acres of woodland preserve. In addition to the singularly breathtaking setting guests can enjoy the Chateau Mojito. Devised by resident mixologist Mario Recio, the cocktail is an attention grabbing combination of blue Curaçao, Bacardi Limón, sour mix, muddled lime and sugar.

The days when liqueurs were popularly served as postprandial digestives have largely come and gone. But their significance behind the bar has never been more greatly felt than today. It is a category that has reinvented itself. Just ask the legions of Jägermeister and Red Bull fans if liqueurs are cool.

#### KAFFIR KEY LIME MARTINI

*Specialty of Rosemary's Restaurant  
 Created by Michael Shetler, Bernice Matola*

Cocktail glass, chilled  
 Rim glass with crushed graham cracker crust  
 Pour ingredients into iced mixing glass  
 1 1/2 oz. KeKe Beach Key Lime Liqueur  
 1 1/4 oz. Stolli Vanil Vodka  
 3/4 oz. Hangar One Kaffir Lime Vodka  
 1/2 oz. Cuarenta y Tres Liqueur  
 1/4 oz. freshly squeezed lime juice  
 1/2 oz. heavy cream  
 Shake and strain  
 Garnish with lime wheel

#### NATTAHNAH

*Specialty of Indigo  
 Created by Jason Castle, Tim Skelton*  
 Cocktail glass, chilled  
 Pour ingredients into iced mixing glass  
 3 oz. Jack Daniels  
 1/2 oz. Tuaca Liqueur  
 1/2 oz. sweet vermouth  
 Shake and strain  
 Garnish with cherry

#### POMEGRANATE MOJITO

*Specialty of Rickshaw Far East Bistro & Bambu Lounge  
 Created by Melvin Espinal*  
 House specialty glass, chilled  
 Build in glass  
 12 mint leaves

2 oz. fresh lime juice  
 2 oz. simple syrup  
 3 pieces fresh mango  
 Muddle contents and add in ice  
 3/4 oz. Pama Pomegranate Liqueur  
 3/4 oz. 10 Cane Rum  
 1/4 oz. club soda  
 Garnish with pomegranate wedge

#### PRICKLY PEAR MEXICAN MOJITO

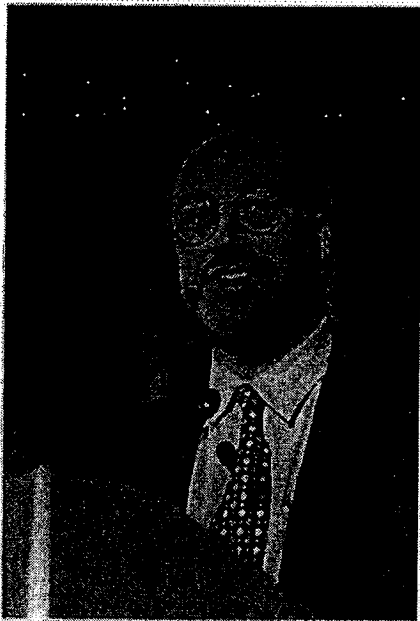
*Specialty of Backstreet Café  
 Created by Sean Beck*  
 Pilsner glass, chilled  
 Rim glass with salt (optional)  
 Pour ingredients into iced mixing glass  
 1 3/4 oz. El Tesoro Silver Tequila  
 1/4 oz. Cointreau  
 3/4 oz. simple syrup  
 3/4 oz. lime juice  
 1 1/2 oz. fresh prickly pear juice  
 Shake and stir  
 2 oz. soda water  
 Garnish with lime slice and cilantro sprig

#### TENNESSEE WILLIAMS

*Specialty of Bookmarks  
 Created by Jonathan Pogash*  
 Highball glass, iced  
 Build in glass  
 1 1/2 oz. Southern Comfort  
 1/2 oz. Dry Vermouth  
 2-3 dashes orange bitters  
 1 oz. pineapple juice  
 Top with club soda  
 Garnish with large, leafy mint sprig

**ROBERT PLOTKIN** is a judge at the San Francisco World Spirits Competition and has recently authored his 16th book, *Secrets Revealed of America's Greatest Cocktails - The Hottest Spirits, Freshest Places and Coolest Drinks*. He can be reached at [www.BarMedia.com](http://www.BarMedia.com) or by e-mail at [robert@barmedia.com](mailto:robert@barmedia.com)





*by Robert Plotkin*



## Liqueurs are Redefining Contemporary Mixology

at the bar by Robert Plotkin

Liqueurs have been instrumental in the ongoing resurgence of the cocktail. The reason is that they're formulated to deliver a concentrated burst of flavor, and as any casual lounge observer will confirm, flavor is what consumers are looking for. With few exceptions, liqueurs provide the essential flavor components in most successful cocktails and specialty drinks, making them franchise players in modern mixology. Without a full complement of liqueurs on the back bar your drink making abilities shift into to low gear.

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Two other popular derivations of the cocktail are the Purple Cosmo, which is made with citrus vodka, blue Curaçao and Chambord, and the Midnight Blue Cosmopolitan, featuring

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### REDESIGNED CLASSICS

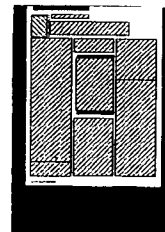
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At upscale Rosemary's Restaurant in Las Vegas, the signature of the house is the Kaffir Key Lime Martini. It's a blend of Stoli Vanil, Cuarenta y Tres, Hangar One Kaffir Lime Vodka, KeKe Beach Key Lime, freshly squeezed lime juice and cream. Presented with a rim of crushed graham crackers, the cocktail has become a local favorite. In Ashville, NC, the Martini of distinction at the Savoy Cucina Restaurant is the Espressotini, a light, delectable drink made with Stoli Vanil, Baileys Irish Cream, Frangelico, freshly brewed espresso and garnished with a chocolate covered biscotti.

Rickshaw Far East Bistro & Bambu Lounge in Houston is a stylish and contemporary Pan-Asian restaurant and sushi bar. The lounge attracts a well-heeled clientele that has earned a reputation for the quality and creativity of its cocktails. The bar's celebrated signature Martini is the Ruby Red Pom Pom, which is concocted with PAMA Pomegranate Liqueur, Charbay Ruby Red Grapefruit Vodka, grapefruit juice and scratch sweet and sour.

Liqueur-laced Martinis have become a something of phenomenon and creative rite of passage for aspiring mixologists. American-born Southern Comfort is the featured player in the Socotini is a specialty at posh Stone Rose Lounge in Manhattan's Time Warner Center on Columbus Circle, while Suntory ZEN Green Tea Liqueur and Absolut Citron combine to create the Green Tea Martini, a specialty at Michael's Kitchen in Hollywood, Florida. Disaronno Amaretto, Frangelico and vodka are the cast in the Amber Skies Martini. Kahlúa is popularly enlisted for use in Coffee Martinis, Chambord in Raspberry Martinis and Godiva in Chocolate Martinis.

Another classic cocktail getting the makeover treatment these days is the Manhattan. At Indigo Eurasian Restaurant in Honolulu, the



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bartender's unanimous recommendation is the Nattahnam, a specialty Manhattan featuring Tuaca liqueur, sweet vermouth and Jack Daniels Tennessee whiskey. The staff at Stone Rose Lounge is equally passionate about the Midnight Manhattan that's devised with Grand Marnier, Woodford Reserve Bourbon, white cranberry juice and a splash of sour mix.

Perched atop the New York's Library Hotel is one of the city's genuinely special destination venues—Bookmarks Rooftop Lounge and Terrace. The impeccably appointed lounge lives and breathes in rarified fresh air, a condition that seems to set the tone for the entire experience. It's there that master mixologist Jonathan Pogash plies his craft. Among his creative repertoire is the Tennessee Williams, an elegant variation of the Manhattan made with Southern Comfort, dry vermouth, orange bitters and a splash of pineapple juice.

The Savoy Cucina promotes a reprise of the Bee's Knees, only this version of the cocktail is concocted Italian limoncello liqueur, Jim Beam's Knob Creek Bourbon and a few drops of honey. It eloquently illustrates the fact that bourbon loves the flavor of lemon.

Among time-tested variations of the cocktail still in the mainstream is the New Orleans' Manhattan, which is prepared by first coating the inside of the mixing glass with Frangelico. Any excess is discarded before adding the sweet vermouth and premium bourbon. The recipe for the venerable Waldorf Manhattan calls for a splash of Pernod, bitters, sweet vermouth and bourbon. The Loretto Manhattan pairs Maker's Mark Bourbon with a healthy splash of Disaronno Amaretto.

There are ample reasons to plan a tour of the wine country of Sonoma and near the top of the list is Cyrus, a magnificent, world-renowned restaurant situated amidst the vineyards and rolling countryside. Behind the bar mixologist extraordinaire Scott Beattie calls the shots. His specialty cocktails have garnered acclaimed for their innovative use of flavor. A Beattie original is the altogether sensational Charentes Sidecar, which is prepared with Hardy VS Cognac, Luxardo Maraschino Liqueur, Cointreau and fresh Meyer lemon juice. The ingredients are shaken, strained into a chilled cocktail glass and topped with a thin layer of cherry foam and thin segments of citrus.

The crowing touch on the cocktail is the cherry foam. It is a made with real cherry juice, gelatin and Luxardo Maraschino, which are heated together in a saucepan. The contents are chilled down and Thai coconut milk is whisked into the compound. It is then transferred to a whipped cream canister, charged with CO2 and refrigerated. It should be ready for the public in about thirty minutes.

## CUBAN CONNECTION

The Mojito has captured the collective American imagination and sparked a boom in restaurants and lounges around the country. The Cuban-borne cocktail is undergoing a transformation at the hands of the country's mixologists, who continue probing for the drink's creative limitations, boundaries that don't seem to exist.

For example, the signature muddled-marvel at P.F. Changs Chinese Bistro is the Asian Pear Mojito. It's a delicious blend of Sour Apple Pucker, Bacardi Limón Rum and a splash of pineapple juice all built on top of muddled limes, mint sprigs and simple syrup. The Watermelon Mojito is one of the star attractions at The Carnegie Club in Manhattan's CitySpire Center. Made with Ketel One Vodka and Marie Brizard Watermelon Liqueur, the drink is as attractive as it is refreshing. Nearby at the ultra-swank Campbell Apartment in Grand Central Terminal, the specialty is the Robber Baron Mojito, a lively concoction crafted with Midori, Grey Goose Vodka, muddled limes and spearmint.

Rickshaw's Pomegranate Mojito is a superb example of inspired mixology. The recipe begins with muddling fresh mango, mint leaves, fresh lime juice and simple syrup. Add in equal parts of PAMA and 10 Cane Rum from Trinidad, and then finish the cocktail with a splash of club soda and a pomegranate wedge garnish. Another unconventional Mojito masterpiece hails from Backstreet Café, a classy American bistro in Houston. The Prickly Pear Mexican Mojito is an altogether luscious drink made with Cointreau, El Tesoro Silver 100% Agave Tequila, lime juice and fresh prickly pear juice.

Located 25 minutes west of downtown Chicago, Courtright's is a four-star restaurant situated on two acres of woodland preserve. In addition to the singularly breathtaking setting guests can enjoy the Chateau Mojito. Devised by resident mixologist Mario Recio, the cocktail is an attention grabbing combination of blue Curaçao, Bacardi Limón, sour mix, muddled lime and sugar.

The days when liqueurs were popularly served as postprandial digestives have largely come and gone. But their significance behind the bar has never been more greatly felt than today. It is a category that has reinvented itself. Just ask the legions of Jägermeister and Red Bulls fans if liqueurs are cool.

Robert Plotkin is a judge at the San Francisco World Spirits Competition and has recently authored his 16th book, *Secrets Revealed of America's Greatest Cocktails - The Hottest Spirits, Freshest Places and Coolest Drinks*. He can be reached at [www.BarMedia.com](http://www.BarMedia.com) or by e-mail at [robert@barmedia.com](mailto:robert@barmedia.com).

### Kaffir Key Lime Martini

Specialty of Rosemary's Restaurant

Created by Michael Shetler, Bernice Matola

Cocktail glass, chilled

Rim glass with crushed graham cracker crust

Pour ingredients into iced mixing glass

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1 1/2 oz. KeKe Beach Key Lime Liqueur  
1 1/4 oz. Stolli Vanil Vodka  
3/4 oz. Hangar One Kaffir Lime Vodka  
1/2 oz. Cuarenta y Tres Liqueur  
1/4 oz. freshly squeezed lime juice  
1/2 oz. heavy cream  
Shake and strain  
Garnish with lime wheel

## **Nattahnam**

*Specialty of Indigo*  
Created by Jason Castle, Tim Skelton  
Cocktail glass, chilled  
Pour ingredients into iced mixing glass  
3 oz. Jack Daniels  
1/2 oz. Tuaca Liqueur  
1/2 oz. sweet vermouth  
Shake and strain  
Garnish with cherry

## **Pomegranate Mojito**

*Specialty of Rickshaw Far East  
Bistro & Bambu Lounge*  
Created by Melvin Espinal  
House specialty glass, chilled  
Build in glass  
12 mint leaves  
2 oz. fresh lime juice  
2 oz. simple syrup  
3 pieces fresh mango  
Muddle contents and add in ice  
3/4 oz. PAMA Liqueur  
3/4 oz. 10 Cane Rum  
1/4 oz. club soda  
Garnish with pomegranate wedge

## **Prickly Pear Mexican Mojito**

*Specialty of Backstreet Café*  
Created by Sean Beck  
Pilsner glass, chilled  
Rim glass with salt (optional)  
Pour ingredients into iced mixing glass  
1 3/4 oz. El Tesoro Silver Tequila  
1/4 oz. Cointreau  
3/4 oz. simple syrup  
3/4 oz. lime juice  
1 1/2 oz. fresh prickly pear juice  
Shake and stir  
2 oz. soda water

Garnish with lime slice and cilantro sprig

## **Tennessee Williams**

*Specialty of Bookmarks*  
Created by Jonathan Pogash  
Highball glass, iced  
Build in glass  
1 1/2 oz. Southern Comfort  
1/2 oz. Dry Vermouth  
2-3 dashes orange bitters  
1 oz. pineapple juice  
Top with club soda  
Garnish with large, leafy mint sprig



Another classic cocktail  
getting the makeover  
treatment these days is  
the Manhattan. At Indigo  
Eurasian Restaurant in  
Honolulu, the bartender's  
unanimous recommendation  
is the Nattahnam,  
a specialty Manhattan  
featuring Tuaca liqueur,  
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Hpnrtiq Liqueur

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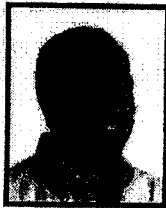
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## Liqueurs Are Redefining Contemporary Mixology

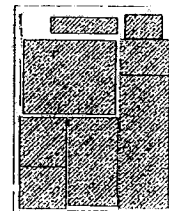
by  
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Plotkin**



*Liqueurs have been instrumental in the ongoing resurgence of the cocktail. The reason is that they're formulated to deliver a concentrated burst of flavor, and as any casual lounge observer will confirm, flavor is what consumers are looking for. With few exceptions, liqueurs provide the essential flavor components in most successful cocktails and specialty drinks, making them franchise players in modern mixology. Without a full complement of liqueurs on the back bar your drink making abilities shift into low gear.*

The Cosmopolitan is among a sizeable list of cocktails dependent on a liqueur for their identity. In this case, Cointreau provides the seamless connection between the base spirit—for citrus-infused vodka—and the lime and cranberry juice modifiers. In addition to the cache associated with Cointreau, the orange liqueur contributes greatly to the Cosmo's bouquet and taste, while leaving the color of the cocktail unaffected.

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